

COMMUNIST ACTIVITIES AMONG SEAMEN AND ON WATERFRONT FACILITIES

PART 1

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-SIXTH CONGRESS SECOND SESSION

JUNE 6, 7, 8, AND 23, 1960

Printed for the use of the Committee on Un-American Activities

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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CONTENTS

	Page
Synopsis.....	1747
June 6, 1960: Testimony of—	
Admiral James A. Hirshfield.....	1758
Commander Lawrence D. Connor.....	1758
Albert E. Green.....	1758
Kenneth S. Harrison.....	1758
Shea Gordon Trosten.....	1769
Donald William Jackson.....	1778
Rudolf Kaunitz.....	1780
Louis Becker.....	1791
William Henry Thompson.....	1796
June 7, 1960: Testimony of—	
Loron Whitney Wardwell.....	1799
Peter Goodman.....	1805
Stanley Milton Hauser.....	1815
Henry Bernard Kasbohm.....	1822
Charles Malvern Swan.....	1823
William Henry Thompson (resumed).....	1825
June 8, 1960: Testimony of—	
Hugh Mulzac.....	1827
Charles Everett Colcord.....	1831
June 23, 1960: Testimony of—	
Ray R. Murdock.....	1835
H. Howard Ostrin.....	1835
Hoyt S. Haddock.....	1835
Ralph E. Casey.....	1847
Rear Admiral Halert C. Shepherd.....	1851
Marion Chrusniak.....	1854

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 86TH CONGRESS

House Resolution 7, January 7, 1959

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

Public hearings on Communist activities among seamen and on waterfront facilities were held in Washington, D.C., on June 6, 7 and 8, and on June 23, 1960.

In opening the hearings, the chairman of the committee stated:

In *Parker v. Lester*, decided October 26, 1955, and in *Graham v. Richmond*, decided November 5, 1959, the Ninth Circuit Court of Appeals and the Court of Appeals for the District of Columbia, respectively, following a series of decisions by the Supreme Court, for all practical purposes ruled invalid the entire security screening procedures administered by the United States Coast Guard. Prior to these decisions, under the Merchant Marine screening program which had been authorized by law in 1950, the United States Coast Guard had screened off over 1,800 seamen from merchant vessels. Since these court decisions and subsequent rulings following them by the Federal district courts, hundreds of seamen who had been screened off merchant vessels as security risks have procured seamen's documents. Numerous other seamen heretofore screened off merchant vessels have now applied for seamen's papers. In other words, our entire seamen security program has been virtually destroyed.

The chairman also explained the provisions of a bill introduced by him as follows:

Under date of April 5, 1960, I introduced in the House H.R. 11580, which is pending before the Committee on Un-American Activities, to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who wilfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States. This bill is patterned after a California statute which was held valid by the United States Supreme Court in the case of *Nelson and Globe v. County of Los Angeles*, decided February 29, 1960. In this case, the Supreme Court examined a provision of the California code which made it the duty of any public employee when summoned before an appropriate Government agency to give the information of which he was possessed on communism and other subversive activity. The California code provides for dismissal of any such public employee who fails or refuses to appear or to answer the questions propounded.

In sustaining the validity of the California statute, the court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge because the State may legitimately predicate discharge on refusal of a public employee to give information touching on the field of security.

My bill not only attempts to deal with the problems of Communists on vessels, but also a related area in which it would appear that legislation is needed, namely, on waterfront facilities which, if in the hands of Communists or if penetrated by Communist agents, could create a grave threat to our internal security.

Vice Admiral James A. Hirshfield, Assistant Commandant of the Coast Guard, accompanied by Commander Lawrence D. Connor and the Chief Counsel and Assistant Chief Counsel of the Coast Guard, testified on the history of the screening program of merchant seamen and the impact on that program of certain court decisions. He pointed out that approximately 1,800 seamen whose applications for seamen's papers have been denied by the Coast Guard are, pursuant to these court decisions, now eligible on application to be issued seamen's papers. Admiral Hirshfield expressed the view that the legislation introduced by the chairman of the committee would help the screening program.

Respecting the threat to the internal security posed by Communists on ships or waterfront facilities, he stated:

Anyone familiar with the work of men who follow the sea must agree with the conclusion of the Court as expressed in *Parker v. Lester* that merchant seamen are in a sensitive position in that opportunities for serious sabotage are numerous. Furthermore, because of the very nature of their occupation, seamen may be used easily as links in a worldwide Communist communication system and a worldwide espionage network.

Shea Gordon Trosten, an instrument worker, of Bridgeport, Connecticut, testified that he had been a member of the Communist Party from 1943 to 1951, and that he had subsequently served as an undercover operative for the FBI until his appearance before the committee. While in the Communist Party, he said, he had been a rank-and-file member of its Waterfront Sections in New York City and Port Arthur, Texas, and that he had attended Waterfront Section meetings in New Orleans and in England, Belgium, and France. He had also attended the Communist Party Jefferson School of Social Science in New York City and had been a member of the National Maritime Union.

The major activities of Communist seamen, Trosten stated, were to get Communist Party members elected to positions of influence in the union and to carry out Communist Party policy aboard ship.

He also testified that Communists carried American Communist Party propaganda to Europe, where they delivered it to party contacts.

It was common practice, he said, for Communist cell meetings to be held on ships.

Asked for appraisal of the threat to the security of the United States posed by Communists on merchant vessels or waterfront facilities, Mr. Trosten replied:

I feel this way: It is a line of communication, one of our first lines, on merchant ships, and to have Communists aboard ship is naturally a dangerous thing at a time now when the cold war is still going on. It is not difficult for a Communist to go to sea with all the restrictions. There are Panamanian seamen's books, there are still passports. I remember when my papers were taken away I went to a Panamanian consul in Houston, Texas, I had an American passport, I paid my passage and shipped out on a Panamanian flagship.

When asked how Communist seamen could be used for smuggling of couriers or espionage agents, he replied:

It is not too difficult to cover a man up on a passenger ship where you have a crew of about 600 or 700, like the *United States* or the *America* or the *Constitution*. You find them in the steward's department, and he can ride over and back with practically no detection by anybody, because there are so many aboard.

In reply to a question as to whether Communist Party members were increasing or decreasing in numbers in the maritime industry, Mr. Trosten expressed the view that—

at the present time the party is campaigning to increase its membership more openly than they have in the past 7 or 8 years, and I definitely think that they will try to establish or reestablish themselves a lot more firmly along the waterfront in the near future.

Mr. Trosten identified a number of seamen known by him to be members of the Communist Party.

Loron Whitney Wardwell, a chef, of Rochester, New York, testified that he had served in the merchant marine as chief steward, chief cook and second cook, and butcher and baker from 1945 to 1953, at which time he was expelled from his union as a "left-winger" when it was taken over by the American Federation of Labor. He was then unable to obtain employment on merchant ships. He also testified that he had been a member of the Waterfront Section of the Communist Party from 1949 to 1953 and an informant for the FBI in the Communist Party until 1954.

Mr. Wardwell testified that it was extremely serious to national security for Communists to have access to merchant vessels and port facilities; that they could tie up waterfronts and could also serve as a "perfect front" for Communist courier services to Europe and the Far East at any time.

He testified that Communist Party propaganda was distributed on every ship he had ever worked on and that the function of the Waterfront Section of the Communist Party—

was to take complete control of unions, various committees, to disrupt various organizations and to, I would say, create havoc on the waterfront.

He also testified that it was not difficult for Communists to obtain seamen's papers when Communists held positions of influence in unions:

It is common knowledge that seamen's papers are very easily acquired as long as you have one or two comrades that are in the higher units of your union. They are given letters to various comrades and sent to the Coast Guard, and thereby issued seamen's papers. Then they are able to ship out.

Mr. Wardwell testified that he had known two or three hundred seamen who were Communist Party members. He identified ten such seamen who had been screened off American merchant ships under the Coast Guard security program and who had recently been issued seamen's papers as a result of court decisions.

Donald William Jackson, of New York City, appeared in response to a subpoena. He invoked both the first and fifth amendments in refusing to testify whether he presently held seaman's papers; if he was currently a member of the Communist Party; if he had arranged to ship out as a seaman in the next few days; and if he had worked as a seaman in the last few years.

There was displayed to Mr. Jackson a document from the United States Coast Guard certifying that he had recently procured seaman's papers, but Mr. Jackson refused to answer any questions concerning the document.

Rudolf Kaunitz, of New York City, appeared in response to a subpoena. He invoked the fifth amendment in refusing to testify as to whether or not he was currently a member of the Communist Party; if he held seaman's papers; if he was a member of the Seamen's Defense Committee; and if he proposed to ship out within the next few weeks. He admitted attending a meeting of the Youth Against the House Un-American Activities Committee held at the Woodstock Hotel in New York City the previous Friday, June 3, 1960. He said that Frank Wilkinson had addressed the meeting concerning the riots which occurred during committee hearings in San Francisco, but invoked the fifth amendment when asked if he knew Wilkinson as a member of the Communist Party. Kaunitz attacked the committee and in doing so quoted from literature he had obtained at this meeting.

There was displayed to Mr. Kaunitz a document from the United States Coast Guard certifying that he had recently procured seaman's papers, but Mr. Kaunitz refused to answer any questions concerning the document.

Louis Becker, recently a clerical worker in New York City, invoked the fifth amendment in refusing to state whether or not he was currently a member of the Communist Party or whether he had been a seaman during the past 5 years and planned to resume this occupation; whether he held seaman's papers; whether he had knowledge of activities of persons known to him to be Communist Party members, which activities were carried out under direction of the Communist Party; and whether he had attended the Youth Against the House Un-American Activities Committee meeting at the Woodstock Hotel.

There was displayed to Mr. Becker a document from the United States Coast Guard certifying that he had recently procured seaman's

papers, but Mr. Becker refused to answer any questions concerning the document.

Peter Goodman, of New York City, who was identified in the instant hearings by Loron Wardwell as a person known by him to be a Communist Party member, testified that he had been a plastic mold-maker for the last 5 years. He invoked the fifth amendment in refusing to testify if he was presently a member of the Communist Party and if he currently had seaman's papers. He also invoked the fifth amendment in refusing to testify whether witness Loron Wardwell's identification of him as a Communist Party member was true; whether he had told the youth attending the Woodstock Hotel meeting that he was not a member of the Communist Party and whether, in addressing that meeting, he had expressed the hope that Communist-inspired demonstrations against the committee during the current hearings would exceed those which took place in San Francisco. During the course of his testimony the following excerpt from the speech he delivered at the Woodstock Hotel was introduced into the record:

Some of us who have carried this fight over a period of time have learned not to stand in the way of history. We expect to get ourselves back into the industry—reestablish ourselves—and in the long run I think that the maritime industry is meant to be one of the militant sparkplugs of the labor movement as it was in time gone by.

There was displayed to Mr. Goodman a document from the United States Coast Guard certifying that he had procured seaman's papers, but Mr. Goodman refused to answer any questions concerning the document.

Stanley Milton Hauser, a student at the City College of New York, also invoked the fifth amendment when asked if he was a member of the Communist Party at "this instant," and if he held papers as a ship's radio operator. After witness Loron Wardwell identified Hauser as a person known to him as a Communist Party member and a member of the goon squad of the Waterfront Section of the Communist Party of New York City, Hauser invoked the fifth amendment in refusing to affirm or deny these identifications. He also invoked constitutional privileges when asked if he had ever transmitted radio messages at the direction of a person known to him to be a member of the Communist Party. There was displayed to Mr. Hauser a document from the United States Coast Guard certifying that he had been issued seaman's papers in 1957, but Mr. Hauser refused to answer any questions concerning the document.

Henry Bernard Kasbohm, of Great Neck, New York, testified that he had been employed as a building superintendent since 1950. He invoked the fifth amendment, however, when asked if he now held, but had previously been denied, seaman's papers; if he was currently a member of the Community Party; if he had attended Communist Party training schools; and if he intended to ship out as a seaman in the near future. There was displayed to Mr. Kasbohm a document from the United States Coast Guard certifying that he had procured seaman's papers, but Mr. Kasbohm refused to answer any questions concerning the document.

Charles Malvern Swan, of Baltimore, invoked the fifth amendment when asked if he was currently a member of the Communist Party; if he had been denied seaman's papers in the past; if he presently held them and if he intended to ship out in the foreseeable future. He also invoked the fifth amendment when asked if, in connection with Communist activities, he had been involved in a fracas with the Baltimore police. There was displayed to Mr. Swan a document from the United States Coast Guard certifying that he had procured seaman's papers, but Mr. Swan refused to answer any questions concerning the document.

William Henry Thompson, seaman of Baltimore, invoked the fifth amendment when asked if he was presently, or if he had been, a member of the Communist Party. He also invoked constitutional privileges when asked if he had been in the offices of the Committee on Un-American Activities the previous day; had conferred with the staff director at that time, had told something of his background, and revealed that he had recently broken with the Communist Party. In addition, he invoked the fifth amendment when asked if he had talked with the staff director and planned to testify and if he had been threatened since his visit to the committee offices the previous day. There was displayed to Mr. Thompson a document from the United States Coast Guard certifying that he had procured seaman's papers, but Mr. Thompson refused to answer any questions concerning the document.

Hugh Mulzac, of Jamaica, New York, who commanded a Liberty ship in World War II, testified that he had last acquired papers as a seaman and steward-cook in 1956. He invoked the fifth amendment when asked if he was a member of the Communist Party; if he had been screened off merchant vessels in the past under the Coast Guard security program; if he had made arrangements to resume his career as a seaman; and if, as reported in the Communist press, he was chairman of the Seamen's Defense Committee.

Charles Everett Colcord, of Brooklyn, New York, invoked the fifth amendment when asked his occupation; whether he was a member of the Communist Party; and held seamen's papers and a radio operator's license. He also invoked constitutional privileges when asked if, within the last 5 years, he had transmitted any radio messages given to him by members of the Communist Party. There was displayed to Mr. Colcord a document from the United States Coast Guard certifying that he had procured seaman's papers, but Mr. Colcord refused to answer any questions concerning the document.

Ray R. Murdock, Washington counsel, Seafarers' International Union of North America, accompanied by H. Howard Ostrin, general counsel, National Maritime Union, and Hoyt S. Haddock, director, Seafarers' Section, Maritime Trades Department, AFL-CIO, testified in support of the legislation introduced by the chairman of the committee to cope with Communists on merchant vessels and on waterfront facilities.

Testifying respecting the existing situation in which the Coast Guard screening program has been ruled invalid by the Federal courts, Mr. Murdock stated:

The result is that subversives have free access to ships and port facilities in this country.

He continued:

Let me emphasize that, under existing conditions, the shipping industry constitutes a convenient conduit by which subversives from foreign countries can pour into this country. The dangers inherent in this situation cannot be over-emphasized. The National Research Council of the National Academy of Sciences recently issued a report known as "Project Walrus." We do not agree with some of the conclusions in this report. However, it does set forth some facts which should be alarming to the Congress and to the public.

It points out that, in the event of general war, "merchant shipping is very likely to be the least damaged physical resource" (p. 8). This is because railroad and highway systems are extremely vulnerable to atomic attack. In the event of such an attack, our main reliance, at least in the early stages, would be on the merchant marine.

But it must be remembered that the merchant marine is peculiarly vulnerable to sabotage. One skilled man can paralyze a great ship. If we are not able to prevent the infiltration of our merchant marine by subversives, then the hazards become incalculable. If our merchant marine can be paralyzed by sabotage, then all the billions we are spending for defense still leave us woefully unprepared.

Mr. Murdock and his associates protested that the American merchant marine is being driven from the seas by "flag-of-convenience" ships which are owned and operated by American citizens but which sail under foreign flags. He continued:

These "flag-of-convenience" ships are manned by foreigners recruited in many different areas. Some of them have Italian crews. Many of them have crews recruited in Latin America. Some of them we have examined are manned almost exclusively by Cubans. No security check whatever is made on these foreign seamen. The Coast Guard has no jurisdiction over them. They represent a potential plague of security risks who will have easy access to our waterfront facilities. If the process is allowed to continue, soon there will be many more foreign seamen working on American-owned ships than American seamen. We do not believe that foreign Communists and foreign subversives are any more desirable than American subversives.

He and his associates accordingly proposed an amendment to the bill introduced by the chairman which would extend the bill's coverage to seamen employed on any merchant vessel owned by a citizen of the United States.

Ralph E. Casey, president, American Merchant Marine Institute, Inc., representing 45 American-flag shipping companies, testified in support of the bill introduced by the chairman to cope with Communist activities among seamen and on waterfront facilities.

Rear Admiral Halert C. Shepheard, who prior to his retirement was chief of the Office of Merchant Marine Safety, United States Coast Guard, testified respecting the threat to the internal security of the Nation posed by Communist seamen and Communists on waterfront facilities.

Marion Chrusniak, president, Local 829, International Longshoremen's Association, Baltimore, testified on behalf of the 5,000 longshoremen from the port of Baltimore in support of the chairman's bill. He likewise pointed out the threat posed by Communist activities on merchant vessels and on waterfront facilities.

COMMUNIST ACTIVITIES AMONG SEAMEN AND ON WATERFRONT FACILITIES

PART 1

MONDAY, JUNE 6, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to call, at 10 a.m., in the Caucus Room, House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Morgan M. Moulder, of Missouri; Clyde Doyle, of California; Gordon H. Scherer, of Ohio; and August E. Johansen, of Michigan.

Staff members present: Richard Arens, staff director, and William Margetich, investigator.

The CHAIRMAN. In *Parker v. Lester*, decided October 26, 1955, and in *Graham v. Richmond*, decided November 5, 1959, the Ninth Circuit Court of Appeals and the Court of Appeals for the District of Columbia, respectively, following a series of decisions by the Supreme Court, for all practical purposes ruled invalid the entire security screening procedures administered by the United States Coast Guard. Prior to these decisions, under the Merchant Marine screening program which had been authorized by law in 1950, the United States Coast Guard had screened off over 1,800 seamen from merchant vessels. Since these court decisions and subsequent rulings following them by the Federal district courts, hundreds of seamen who had been screened off merchant vessels as security risks have procured seamen's documents. Numerous other seamen heretofore screened off merchant vessels have now applied for seamen's papers. In other words, our entire seamen security program has been virtually destroyed.

Under date of April 5, 1960, I introduced in the House H.R. 11580, which is pending before the Committee on Un-American Activities, to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who wilfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States. This bill is patterned after a California statute which was held valid by the United States Supreme Court in the case of *Nelson and Globe v. County of Los Angeles*, decided February 29, 1960. In this case, the Supreme Court

examined a provision of the California code which made it the duty of any public employee when summoned before an appropriate Government agency to give the information of which he was possessed on communism and other subversive activity. The California code provides for dismissal of any such public employee who fails or refuses to appear or to answer the questions propounded.

In sustaining the validity of the California statute, the court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge because the State may legitimately predicate discharge on refusal of a public employee to give information touching on the field of security.

My bill not only attempts to deal with the problems of Communists on vessels, but also a related area in which it would appear that legislation is needed, namely, on waterfront facilities which, if in the hands of Communists or if penetrated by Communist agents, could create a grave threat to our internal security.

I recall that a little over a year ago this committee interrogated Communist agent, Harry Bridges, who, together with other Communists, controls the International Longshoremen's and Warehousemen's Union. At that time Bridges had just returned from a trip to Europe on a United States passport where he had been in conferences with leaders of other Communist-controlled longshoremen groups. Shortly after the hearings, which were held here in Washington, Bridges left again on a United States passport for Tokyo, Japan, where he participated in the Pacific-Asia Dock Conference with representatives of Asian Communist-led longshoremen groups. I recall that Bridges defiantly asserted in his testimony before our committee that in the event of war in the Far East, he would do all in his power as head of the International Longshoremen's and Warehousemen's Union to impede shipments of supplies going from the United States to our allies.

I say without apology that my bill would, in addition to providing for an effective screening program for seamen, also provide an effective program whereby Communist agents could be screened off our docks and other waterfront facilities.

Since the introduction of H.R. 11580, pursuant to the suggestions of some of the experts on security screening procedures, particularly as they would be applicable to seamen, I have prepared two amendments relating to procedural matters concerning which we hope to develop information of a clarifying nature during these instant hearings. While I am not wedded to the precise language of my bill, I am determined that there shall be effective legislation providing for a strong program to screen Communists from our merchant vessels and waterfront facilities.

In that connection, I would like to state that I have just received information that there are several bus loads of young Communists on their way to Washington from New York. The mere fact that these young people are attempting to prevent or to influence the enactment of legislation is a very strong argument in favor of the enactment of this legislation.

In the course of the next few days we expect to develop on this public record factual material on Communist activities among seamen

and on waterfront facilities. A number of groups and organizations have manifested an interest in testifying before the committee on the proposed legislation itself, but I felt that their testimony should be deferred until this record reflects the existing situation. Therefore, after we have completed the record this week, we will suspend the hearings for a week or so and then resume on the proposed legislation itself, at which time we will receive the testimony of these groups and organizations.

Let there now be inserted in the record the resolution, dated April 5, 1960, authorizing and directing the holding of the instant hearings, together with the order dated May 23, 1960, designating the subcommittee to conduct the hearings.

BE IT RESOLVED, that hearings by the Committee on Un-American Activities or a subcommittee thereof, to be held at such place or places as the Chairman may direct, on such date or dates as the Chairman may determine, be authorized and approved, including the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following matters and having the legislative purposes indicated:

1. All factual material which may be necessary or desirable to assemble to enable the Committee to appraise the bill, H.R. 11580 of the 86th Congress, Second Session, to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States;

2. Strategy, tactics and activities of members of the Communist Party in connection with seamen, shipping, or waterfront facilities;

3. The execution by the administrative agencies concerned of all laws and regulations relating to the Internal Security Act, the Communist Control Act, the Foreign Agents Registration Act, Passport Regulations, and all other laws, the subject matter of which is within the jurisdiction of the Committee, the legislative purpose being to exercise continuous watchfulness over the execution of these laws to assist the Congress in appraising their administration, and in developing such amendments or related legislation as it may deem necessary;

4. Any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof appointed to conduct these hearings may designate.

MAY 23, 1960.

To: Mr. Richard Arens
Staff Director
House Committee on Un-American Activities

Pursuant to the provisions of the law and the rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives Morgan M. Moulder, Clyde Doyle, Donald L. Jackson and Gordon H. Scherer, as associate members, and myself, Francis E. Walter, as Chairman, to conduct hearings in Washington, D.C., Monday through Friday, June 6, 7, 8, 9 and 10, 1960, at 10:00 a.m., on subjects under investigation by the Committee and take such testimony on said days or succeeding days, as it may deem necessary.

Please make this action a matter of Committee record.

If any Member indicates his inability to serve, please notify me.

Given under my hand this 23d day of May 1960.

(S) FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities.

Mr. Arens, will you call your first witness.

Mr. ARENS. Yes, sir. Admiral James A. Hirshfield, accompanied, if you please, Mr. Chairman, by colleagues from the United States Coast Guard.

Admiral, will you kindly come forward with your colleagues and all remain standing while the chairman administers the oath?

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Admiral HIRSHFIELD. I do.

Commander CONNOR. I do.

Mr. GREEN. I do.

Mr. HARRISON. I do.

TESTIMONY OF ADMIRAL JAMES A. HIRSHFIELD, ACCOMPANIED BY CDR. LAWRENCE D. CONNOR, ALBERT E. GREEN, ASSISTANT CHIEF COUNSEL, AND KENNETH S. HARRISON, CHIEF COUNSEL, UNITED STATES COAST GUARD

Mr. ARENS. Admiral Hirshfield, before you proceed further, would you kindly identify yourself on the record, and identify, if you please, sir, the names and titles of your colleagues?

Admiral HIRSHFIELD. I am Vice Admiral James A. Hirshfield, Assistant Commandant of the Coast Guard. To my right is Cdr. Lawrence D. Connor, who is the Assistant Chief of the Merchant Marine Personnel Division in Coast Guard Headquarters. The next gentleman to my right is Mr. Kenneth S. Harrison, who is the Chief Counsel of the Coast Guard. On my left is Mr. Albert E. Green, who is Judge Harrison's principal assistant.

Mr. ARENS. Thank you, sir.

Admiral, we understand that you have, in the first instance, a prepared statement which you would like to submit to the committee. If it meets with the pleasure of the chairman, I respectfully suggest you proceed at this time to read your prepared statement and then in all probability the committee or I will have some additional questions to submit to you.

Admiral HIRSHFIELD. Yes, sir.

Mr. Chairman and members of the committee, I feel privileged to appear before you today in connection with your consideration of H.R. 11580, a bill "To amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States."

The Commandant of the Coast Guard, Admiral Richmond, is presently in Europe and expresses his regrets in not being able to serve this committee personally in its consideration of this proposed legislation.

Since my statement was originally prepared Friday afternoon we received two copies of proposed amendments to H.R. 11580. While I have not had time to make a detailed study of the amendments, they would seem to supply the deficiencies noted in the letter of the Secretary of the Treasury relating to the bill which was delivered to the chairman of this committee on Friday.

Mr. ARENS. Mr. Chairman, I wonder if you could interrupt to request at this time that the record now reflect the body of the letter which was received by the chairman of the Committee of Un-American Activities from the United States Department of the Treasury on the proposed legislation so that the record will reflect the comment of Admiral Hirshfield with reference to these suggested amendments which were first developed in my conversations with the Coast Guard.

Mr. MOULDER (presiding). Without objection, it is so ordered.

(The letter referred to follows:)

JUNE 3, 1960.

MY DEAR MR. CHAIRMAN :

Reference is made to your request for the views of this Department on H.R. 11580, a bill to deny employment to certain persons who do not respond to agency subpoena or order.

The purpose of the proposed legislation is to deny employment aboard United States vessels or on United States waterfront facilities to any person who willfully fails or refuses to appear before any Federal agency, when subpoenaed or ordered to appear, or to answer under oath before such agency questions relating to his or any other person's membership or activities in the Communist Party.

Although the Department favors the effective security screening of merchant seamen and waterfront workers, and accordingly endorses the apparent objectives of the bill, it is doubtful that the consequences of Federal court decisions in *Parker v. Lester* and *Graham v. Richmond* would be overcome by passage of the bill in its present form.

In order to be effective with respect to any particular agency's program, the provisions pertaining to failure or refusal to appear, in response to subpoena or order, or to answer, would require authority in the agency to issue the subpoena or order. The Coast Guard does not have such authority in connection with the security screening program which it conducts under the Magnuson Act and Executive Order 10173, as amended. Hence the bill would not appear to broaden the power of the Coast Guard to deny employment through its screening program, except to the extent that employment might be denied to a few persons for lack of response to the process of other agencies.

The bill does not relate denial of employment to the grant or denial of security clearance by the Coast Guard. Nevertheless it would appear that this latter program could provide the machinery for a partial enforcement of the provisions of the bill. With respect to employment which does not require Coast Guard security clearance, however, it does not appear that the bill would provide either machinery or sanctions for enforcement.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your Committee.

Very truly yours,

A. GILMORE FLUES,
Acting Secretary of the Treasury.

Admiral HIRSHFIELD. In my statement today I shall endeavor to cover the four broad topics upon which the committee has expressed interest and has requested Coast Guard views. These topics are as follows:

- (1) The 1950 merchant seaman screening program;
- (2) The legal problems encountered in this program;
- (3) The potential threat to internal security posed by Communists on ships or waterfront facilities; and
- (4) Procedures contemplated in the event that H.R. 11580 is enacted.

The first topic of my discussion relates to the 1950 merchant seaman screening program.

HISTORY OF SCREENING PROGRAM

Although H.R. 11580 is addressed both to merchant seamen and workers in waterfront facilities, this discussion is directed to that phase of the screening program dealing with merchant seamen, since it is in this area that the courts have directed their attention.

Waterfront Exclusions World War II; termination of

During World War II there was in effect a so-called Waterfront Exclusion Program based on the Espionage Act of 1917. This program ended in July 1947 at the termination of the state of war and national emergencies. During World War II, when we were allied with Russia, the Communists made their greatest infiltration into seafaring and waterfront unions. In a few of these unions Communists obtained complete control and domination. As Communist aggression in South Korea grew, so did the realization that Communists and Communist sympathizers on vessels carrying critical supplies presented a grave threat to national security.

Magnuson Act and Executive Order 10173

The Act of August 9, 1950, popularly known as the Magnuson Act, amended Title II of the Espionage Act of 1917 and enabled the President to institute such measures and issue such rules and regulations as necessary for security of vessels and waterfront facilities, whenever, by Proclamation or Executive Order, the President declares an emergency to exist. Acting under this Act, the President, on 18 October 1950, issued Executive Order 10173, which declared in part that the security of the United States was endangered by reason of subversive activity. Presidential regulations followed which implemented the Executive Order, and authorized the Commandant of the Coast Guard, among other things, to require the issuance of specially validated documents as evidence of security clearance, and to deny the issuance of such documents to individuals whose character and habits of life were such as to authorize the belief that his presence on vessels and waterfront facilities would be inimical to the security of the United States. Provision was also made for the right to appeal before appeal boards appointed by the Commandant. Penalties were also provided for failure to comply with any regulation promulgated thereunder.

Coast Guard Regulations (33 CFR 121)

The Coast Guard Regulations for the security of vessels and waterfront facilities were published in December 1950, after public hearing, and further implemented the Presidential regulations by supplying the details necessary for the operation of the Program, such as: validation of documents; vessels to which the regulations applied; the criteria or basis of rejection; and appeals procedure. Validation was accomplished by stamping on the document the legend "Validated for Emergency Service." The criteria or basis for rejection is: (a) advocacy of the overthrow of government by unconstitutional means; (b) espionage, sabotage, sedition or treason (c) serving interests of other governments to the detriment of the United States (d) unauthorized disclosure of classified information (e) membership in, or affiliation or sympathetic association with any foreign or domestic organization, movement, group or combination of persons designated by the Attorney General pursuant to Executive Order 10450. The

first four categories are comparatively rare and rejection is generally based on convictions of record. The fifth category (e), represents the criteria applied to the bulk of the rejectees, and the most difficult to prove. The hearings are conducted before local tripartite boards, with further appeal to the National Appeal Board in Washington. These boards make recommendations to the Commandant, whose decision is final.

The *Parker vs. Lester* Decision

In October 1955 the Court of Appeals for the Ninth Circuit held that the screening regulations fell short of furnishing the minimum requirements of due process in respect to notice and opportunity to be heard, and that the plaintiffs were entitled to an injunction against further enforcement of the regulations. The Court criticized the Coast Guard's use of "confidential information," the failure to afford confrontation and cross-examination of witnesses, and the fact that the Commandant made an initial determination prior to any hearing. It was urged that the Supreme Court be petitioned for certiorari, but the Solicitor General decided against this action.

New Regulations as a result of *Parker vs. Lester*

The Coast Guard's procedures had been designed as they were because it must rely on information obtained from other agencies, classified as confidential by them, in determining whether persons are poor security risks. These agencies normally will not reveal the names of informants, and therefore they cannot be produced at the hearing. Even if the agencies would disclose the names, the informants are generally persons (often itinerant seamen) who furnished the information years before, and it would be an all but impossible task to locate them, and without funds for paying expenses, produce them at the hearing. Despite these obstacles, the Coast Guard on May 1, 1956, adopted new regulations designed to meet the Court's objection. Under these regulations: No determination is made before the hearing; they do not, on their face, prohibit the disclosure of the source of derogatory information; they do not deny the right to confrontation and cross-examination; and they cannot be interpreted as placing a burden on the person involved to clear himself.

Interpretation of Regulations by District Court

The new regulations were effective prior to the issuance of an injunction by the District Court pursuant to Court of Appeals opinion, and in the argument before the Court, the Government contended that the new regulations eliminated all features of the program which gave rise to the adverse decision. The District Court did not accept this contention. Instead, it issued an extremely broad injunction, the effect of which is to require the Coast Guard to permit plaintiffs and all persons similarly situated to go to sea notwithstanding determinations of the Commandant that they are security risks. As a result of the decree of the Court, a new security stamp was adopted bearing the legend "Validated. Issued pursuant to decree of DC ND Cal 7/12/56 and to be given same effect as all similar documents issued without such order." Currently the issuance of documents to 327 seamen formerly found to be security risks has been authorized. To date 298 of these seamen have been issued documents bearing the above legend,

indicating that pursuant to the court order they were not to be denied access to vessels and waterfront facilities.

Summation

In administering the Port Security Program to date the Coast Guard has processed over a half million applications for seamen's documents. Of this number about 1,800 are in a denied status. When it is considered that only 327 court order documents have been authorized, and only about 60 seamen are shipping out on these documents, it would appear that the bulk of the rejectees were screened at the outset of the program.

LEGAL PROBLEMS INVOLVED

Legal problems, I believe, are best discussed in relation to the litigation in which the Coast Guard has been involved. Reference has been made earlier in my testimony to the case of *Parker v. Lester*, 227 F 2d 708 (1955) U.S. Court of Appeals, Ninth Circuit. The appellants as plaintiffs below in the District Court sought to enjoin the Coast Guard's port security screening program. The plaintiffs were seamen who had been denied security clearance by the Commandant, and therefore, lacking documents evidencing security clearance they could not, under Coast Guard regulations, be employed aboard merchant vessels of the United States. The District Court restrained the Coast Guard from denying them clearance and from preventing their employment unless the Coast Guard furnished to the plaintiffs bills of particulars setting forth the content of the testimony against them held by the Coast Guard and unless the Coast Guard afforded the plaintiffs an opportunity to rebut specific allegations. (112 Federal Supplement 433 N.D. Cal. D.C. 1953). In passing it is interesting to note that the Court did not believe that the plaintiffs were entitled to a hearing before they were denied security clearance.

Immediately following this decision, the Coast Guard amended its regulations. Under the old regulations, a person denied security clearance was first notified of the basis for denial *after* he took an appeal to a Coast Guard Local Hearing Board. Generally, the amendment brought about by the District Court's decision provided that the notification of initial denial of security clearance would set forth the basis for denial so as to afford reasonable notice thereof and an opportunity to marshal evidence in refutation. Also, provision was made that upon appeal a more specific statement or bill of particulars would be furnished the applicant setting forth the alleged acts, conduct or beliefs upon which the denial was made.

Despite the amended procedures, under which quite a few persons who had initially been denied clearance were subsequently cleared after hearing on appeal, the plaintiffs in the original *Parker v. Lester* case were not satisfied with the District Court's decision and appealed to the Circuit Court. They insisted that the Coast Guard port security screening procedures denied them due process in violation of the fifth amendment because they had not been given notice of specific charges and were refused the right to confront and cross-examine witnesses against them.

The Circuit Court found the Magnuson Act (50 USC 191), the basic law, adequate. It is fair to say, I believe, that the Court did not question the constitutionality of the Presidential Executive Order,

that is Executive Order 10173, as amended, which includes the Presidential regulations, Part 6 of Title 33, Code of Federal Regulations. On the other hand, the Circuit Court held that the regulations of the Coast Guard were null and void since they deprived appellants the right of employment without due process. It also held the appellants entitled to injunctive relief against enforcement of the regulations.

While the Court did not say specifically that the Coast Guard must afford an applicant the opportunity to be confronted with his accusers and to cross-examine witnesses, it seems clear, and it is generally accepted, that the sense of the decision requires such an opportunity. This is apparent even though the Court states that it does not hold that the Coast Guard could not adopt a program which in some degree would qualify the right of confrontation and cross-examination.

It is these requirements which seriously hamper the Coast Guard in its administration of an effective port security screening program. For example, under the terms of the injunction issued by the District Court pursuant to the mandate of the Circuit Court in *Parker v. Lester*, the Coast Guard has been forced to issue documents validated for security clearance to several hundred seamen previously determined to be security risks. There is no doubt that except for the necessity of confrontation and cross-examination many of these several hundred documents would be revoked. These documents having been issued under compulsion of the injunction bear an endorsement showing that they were issued pursuant to court order. While the Coast Guard was prohibited from treating these documents any differently than those regularly issued and from interfering with the employment of the holders, several unions and shipping companies, knowing the circumstances of issuance, refused to employ these seamen. A lawsuit followed—*Berman et al v. National Maritime Union et al* in the Federal District Court in New York. The litigation was settled on March 7, 1960. Under the terms of the settlement, as we understand it, the holders of these documents are to be treated as if they held regularly issued documents. The effect of the settlement upon the screening program is self-evident.

The requirements of confrontation and cross-examination also constitute impediments in screening new applicants for security clearance. In the absence of available witnesses and having been precluded from using confidential information, the Coast Guard would be forced to issue a document evidencing security clearance even though the Commandant might not be satisfied as to the applicant's loyalty. Fortunately, experience has shown that the bulk of new applicants are not security risks; and prior to the recent decision of the Court in the case of *Graham v. Richmond* (dc'd Nov. 5, 1959, Docket No. 14036, C.C./D.C.) the Coast Guard maintained some degree of control by refusing to process applications in which the applicant failed or refused to answer inquiries necessary for a determination of his security status. Graham was such an applicant. He declined to answer three questions on the ground of vagueness and on constitutional grounds. Briefly, the questions dealt with whether he was a subscriber to certain publications, whether he was or had engaged in their sale, distribution, or publication, and whether he had been or was a member of certain organizations. His application was denied further consideration unless and until he answered the questions pro-

pounded. After his request for a statement of charges and for a hearing was rejected by the Coast Guard he instituted legal action.

The District Court ruled that the questions were proper and that the Coast Guard was not required to proceed further with Graham's application. On appeal, however, the Circuit Court, even though it assumed the three unanswered questions to be relevant, held that the Coast Guard's refusal to consider the application was tantamount to outright denial and that, under Coast Guard's regulations, Graham was entitled to a hearing before he could be denied clearance. Judgment was entered accordingly, and the Coast Guard is presently conducting a hearing on the merits of Graham's application.

The exact basis for the Court's ruling is not too clear. Since the majority opinion noted that the regulations did not specifically provide that the questions must be answered as a condition precedent to further consideration of the application, the Coast Guard has amended the regulations in this regard and is continuing to require new applicants to respond to inquiries. Of course, this requirement is of no help in dealing with holders of clearances issued under the injunction of *Parker v. Lester*.

THE POTENTIAL THREAT TO INTERNAL SECURITY POSED BY COMMUNISTS ON SHIPS OR ON WATERFRONT FACILITIES

This committee, by reason of its extensive activities and experience over the years in the area of subversive activity, generally is in a much better position than the Coast Guard, whose knowledge is limited to that gained through administration of the screening program, to correctly evaluate the danger to the national security.

However, my own view is that conditions today are no less critical than they were at the time the President issued the Executive Order which authorized the program. Anyone familiar with the work of men who follow the sea must agree with the conclusion of the Court as expressed in *Parker v. Lester* that merchant seamen are in a sensitive position in that opportunities for serious sabotage are numerous. Furthermore, because of the very nature of their occupation, seamen may be used easily as links in a worldwide Communist communication system and a worldwide espionage network.

PROCEDURES CONTEMPLATED IN THE EVENT THAT H.R. 11580 IS ENACTED

Given implementation by the President of which the bill speaks, it might be feasible for the Coast Guard to so amend its regulations as to provide for the denial of the documents required for employment to any person, or to revoke such outstanding documents of any person, denied employment under the conditions described in the bill. I am not certain as to the precise methods or procedures. But I do believe that notice and hearing as required by *Parker v. Lester* would have to be afforded before documents could be denied or revoked even on the strength of the bill.

It should be observed that the bill does not relate denial of employment to the grant or denial of security clearance.

Mr. ARENS. May I interrupt, if you please, Admiral, without being discourteous to you? The matters which you are prepared to discuss now are matters which are the subject of the proposed amendments.

Admiral HIRSHFIELD. Yes.

Mr. ARENS. I would suggest that you may modify your recommendations on the proposal in the light of the amendments, or omit the rest of your prepared statement, because you have already commented on them.

Admiral HIRSHFIELD. I think that is better.

Mr. ARENS. Admiral, this committee has under subpoena, a number of persons who have been identified to the committee as Communists and as persons who either now are, or in the recent past have been, engaged as seamen. I should like to ask you if you can tell this committee whether or not at the present time one Louis Becker has seaman's papers which were issued to him as the result of the court decisions?

Admiral HIRSHFIELD. That is correct.

Mr. ARENS. Does Charles Everett Colcord now have seaman's papers which were issued to him by the Coast Guard as a result of the decisions of the courts?

Admiral HIRSHFIELD. He does.

Mr. ARENS. Does the same situation prevail with reference to each of the following persons, and I announce to the record each one of these persons is presently under subpoena before this committee. Peter Goodman?

Admiral HIRSHFIELD. That is correct.

Mr. ARENS. Stanley William Hauser?

Admiral HIRSHFIELD. Yes.

Mr. ARENS. Donald William Jackson?

Admiral HIRSHFIELD. Yes.

Mr. ARENS. Henry Bernard Kasbohm?

Admiral HIRSHFIELD. He does.

Mr. ARENS. Rudolf Kaunitz?

Admiral HIRSHFIELD. He does.

Mr. ARENS. Hugh Mulzac?

Admiral HIRSHFIELD. He does.

Mr. ARENS. Henry Spira?

Admiral HIRSHFIELD. He does.

Mr. ARENS. Charles Malvern Swan?

Admiral HIRSHFIELD. He does.

Mr. ARENS. William Henry Thompson?

Admiral HIRSHFIELD. Yes.

Mr. ARENS. Do your records, Admiral, reflect that these men to whom you have just said seamen's documents were issued because of court decisions, were at one time, prior to these court decisions, denied seamen's papers?

Admiral HIRSHFIELD. They were.

Mr. ARENS. Under the present law, is the Coast Guard empowered to screen off of a waterfront facility, as distinct from a vessel, a Communist or one whose activity might endanger the public safety?

Admiral HIRSHFIELD. I would say that the same situation applies to them as to the seamen. We do have that under the Magnuson Act and Executive Order 10173.

Mr. ARENS. Under the operation of the bill which the chairman of this committee has introduced in the House, which is currently pending before the committee, if a witness were subpoenaed before an agency of the Government of the United States and interrogated respecting his or other Communist activities, and if that witness

refused to answer questions before the agency, that would, in and of itself, be a sufficient ground for the Coast Guard to deny seaman's papers to him, would it not?

Mr. HARRISON. We would have to amend our regulations to cover that situation.

Mr. ARENS. But the law would empower, or would lay a foundation or basis pursuant to which you could amend your regulations to cover that situation, isn't that correct?

Mr. HARRISON. I think it would, yes.

Mr. MOULDER. You mean the bill pending before this committee?

Mr. ARENS. Yes. How many people, in toto, who were screened off of merchant vessels as seamen by the Coast Guard because the Coast Guard found them to be security risks have, since these decisions which you have alluded to, now received seamen's papers? Roughly speaking, unless you have the precise figure.

Admiral HIRSHFIELD. I would like to call on Cdr. Connor.

Mr. ARENS. Cdr. Connor, would you kindly address yourself to that question?

Cdr. CONNOR. There have been since May 1956, 90,765 approved issuances of validated documents.

Mr. ARENS. How many of the persons who were denied seamen's documents prior to these court decisions have now, pursuant to the rulings of the court decisions, been given seamen's documents?

Cdr. CONNOR. 298.

Mr. ARENS. How many applications do you have pending of persons who have been denied seamen's status on security grounds who are now seeking seamen's documents pursuant to the rulings in the courts?

Cdr. CONNOR. The court validated documents you are talking about?

Mr. ARENS. Yes, sir.

Cdr. CONNOR. None.

Mr. ARENS. Were those applications of the category which I characterized a moment ago, namely, persons who have been denied status on security grounds but who are now seeking validation of their documents?

Cdr. CONNOR. No, sir; they were not of that category.

Mr. ARENS. I think the record ought to be clear on this. Let me back up and try it again. Is the record clear, Admiral, that there are approximately 298 persons who were denied seamen's papers by the Coast Guard on security grounds, pursuant to the court decisions, who have since been given seamen's papers?

Cdr. CONNOR. That is correct.

Mr. ARENS. How many additional persons who have been denied seamen's documents by the Coast Guard on security grounds have filed applications which are pending with the Coast Guard?

Cdr. CONNOR. None.

Mr. ARENS. Do you want to strike that answer and reconsider it? I am afraid from what I gather here there may be a misconstruction of my question.

Cdr. CONNOR. Would you restate that question sir?

Mr. ARENS. Yes, sir. You have testified that approximately 298 people who were in the first instance denied seamen's papers on secu-

rity grounds by the Coast Guard have now been issued their seamen's papers because of the court decisions.

Cdr. CONNOR. Yes, sir.

Mr. ARENS. That is correct, is it not?

Cdr. CONNOR. Yes, sir.

Mr. ARENS. How many more people have applications pending before the Coast Guard for seamen's documents who heretofore had their applications denied on security grounds? Do you have that figure?

Cdr. CONNOR. None.

Mr. ARENS. Approximately 298 have received their papers back?

Cdr. CONNOR. Court validated documents.

Mr. ARENS. Yes, sir. How many of the remaining persons whose documents were denied have their applications pending? Do you have that figure?

Cdr. CONNOR. I don't have that figure.

Mr. ARENS. Would you kindly, if it is available, get it and supply it for us later?

Cdr. CONNOR. Yes, sir.

(The information referred to follows:)

UNITED STATES COAST GUARD

Address Reply to:
Commandant
U.S. Coast Guard
Headquarters
Washington 25, D.C.

MVP
File: CH (SD)
8 June 1960

Mr. Richard Arens
Staff Director
Committee on Un-American Activities
House of Representatives
Washington 25, D.C.

Dear Mr. Arens:

This will serve to clarify and supply the information in response to your question before the Committee on 6 June with respect to the number of applications for "Court Order Documents" pending with the Coast Guard, in addition to those already authorized or issued.

The answer is, there are none pending because if an application for such document is made, the Coast Guard has no discretion in the matter and must issue the document in response to the order of the court. This means the remainder of the approximately 1,800 seamen in a denial status would be eligible on application to be issued such documents.

Sincerely yours,

L. D. CONNOR
Commander, U.S. Coast Guard
Acting Chief, Merchant Vessel Personnel
Division
By direction of the Commandant
1300 E St. N.W.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the Admiral's statement is so clear and so comprehensive in its coverage that, aside from those one or two questions, we have no further questions except to express the staff appreciation for the splendid cooperation which the Admiral and his colleagues have given to us in our staff consultations with them and in the preparation of suggestions we have now embodied in the form of amendments to the proposed legislation.

Mr. MOULDER. We thank you for your most interesting and informative statement.

Other members of the committee may have some questions. Mr. Doyle, do you have any questions?

Mr. DOYLE. I think I have one, sir. If we have time, I have several.

I notice on page 10, beginning at line 8 from the top, you state that "Fortunately, experience has shown that the bulk of new applicants are not security risks." How do you account for that condition?

Admiral HIRSHFIELD. Sir, it would only be an educated guess, but perhaps they don't want to take a chance on those who might not qualify. They might not want to take a chance of having it denied or having their name mixed up in the mill somewhere. That is purely a guess on my part.

Mr. DOYLE. Are you able to get all the help you need from men who are not security risks?

Admiral HIRSHFIELD. I think that the merchant marine presently has an adequate labor force. Let us put it that way, Mr. Doyle.

Mr. ARENS. Perhaps I could help by clarifying the question, if you please, Mr. Doyle. These applicants are not applicants for jobs with the Government or with the Coast Guard, are they, Admiral?

Admiral HIRSHFIELD. No.

Mr. ARENS. These are applicants for seamen's papers so that they can, in turn, be eligible for employment on a private basis with steamship companies flying the American flag.

Admiral HIRSHFIELD. That is exactly correct.

Mr. DOYLE. I realize that. Has this decision in the case of *Graham v. Richmond* had, in your judgment, any effect which results, as you state, in the bulk of new applicants not being security risks? They don't know of this decision, do they, these people that are making application?

Admiral HIRSHFIELD. They may not, Mr. Doyle. But certainly they know of other decisions.

Mr. DOYLE. Is it a different type of applicant who is making application, or what is it that is giving you a type of applicant who is not a security risk?

Admiral HIRSHFIELD. I think we said that the majority are not. Of course, if you figure that out of over a half million there were only about 1800 who were denied, we are not having anywhere near that—we have not had that number. Whether the percentage would be about the same or not at this time, I am not prepared to answer.

Mr. DOYLE. Thank you.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. Admiral, I understand from the full import of your prepared statement that the Coast Guard feels that legislation introduced by the chairman of this committee, together with the amendments suggested, is vitally necessary for the security of the Nation. Is that correct?

Admiral HIRSHFIELD. I think it certainly would help our program. There is not any question about it. As far as the intelligence information, as I indicated, is concerned, we don't have sources of our own. We have a little group, but most of our information comes from other agencies.

As I indicated, the committee has a great deal more access to knowing what is important to the security than we do. So my opinion would not be too good on that.

Mr. SCHERER. In view of the decisions of the courts which have practically nullified your previous screening processes, legislation is needed so that you can carry out what you feel is necessary to preserve the security of the Nation, is that not correct?

Admiral HIRSHFIELD. I think that is correct, sir. Yes, I think so.

Mr. SCHERER. I have no further questions.

Mr. MOULDER. Mr. Johansen?

Mr. JOHANSEN. No questions.

The CHAIRMAN. Thank you very much, Admiral.

Mr. ARENS. The next witness will be Shea Gorden Trosten.

Kindly come forward, Mr. Trosten, and remain standing while the chairman administers the oath.

Mr. MOULDER (presiding). Do you solemnly swear that the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TROSTEN. I do.

TESTIMONY OF SHEA GORDEN TROSTEN

Mr. ARENS. Just have a seat here, please, Mr. Trosten. Kindly identify yourself by name, residence, and occupation.

Mr. TROSTEN. Shea Gorden Trosten. I live in Bridgeport, Connecticut, and I am an instrument worker.

Mr. ARENS. Mr. Trosten, you are appearing today in response to a subpoena which was served upon you?

Mr. TROSTEN. Yes; I am.

Mr. ARENS. Mr. Trosten, have you ever been a member of the Communist Party?

Mr. TROSTEN. Yes, I was.

Mr. ARENS. Over what period of time were you a member of the Communist Party?

Mr. TROSTEN. Approximately 1943 to 1951.

Mr. ARENS. During part of that time, Mr. Trosten, did you serve as an undercover agent for the Federal Bureau of Investigation in Communist activities among seamen?

Mr. TROSTEN. After 1951.

Mr. ARENS. But prior to 1951 you were an ideologically identified Communist?

Mr. TROSTEN. Yes, I was.

Mr. ARENS. You were a real Communist, in other words?

Mr. TROSTEN. Yes, sir.

Mr. ARENS. A member of the Communist Party who believed in communism, is that right?

Mr. TROSTEN. I did.

Mr. ARENS. Then you broke with the Communist Party and thereafter served your Government via the FBI in acquiring information, is that correct?

Mr. TROSTEN. To the best of my ability.

Mr. ARENS. Mr. Trosten, will you give us just the highlights of your career in the Communist Party in summary form?

Mr. TROSTEN. I was a rank-and-file member of the Waterfront Section in New York. Also in Port Arthur, Tex., also as a rank-and-file member. I was a member of the National Maritime Union. I was an active seaman for about 12 years. I attended the meetings of the Waterfront Section of New York, in the State of Texas, in various cities, in New Orleans, Louisiana. Also meetings in England, Belgium, France, as a rank-and-file member of the party. Also attended the Jefferson School in New York. That just about covers it.

Mr. ARENS. Would you kindly give us just a thumbnail sketch of the Communist Party activities in which you and other Communists engaged as Communist seamen?

Mr. TROSTEN. Instances where we had Communists running for offices in the National Maritime Union, naturally we would try to get them elected. At times we took American propaganda over into Europe.

Mr. ARENS. Excuse me, if I may interrupt you, please, sir. By what route did you take Communist propaganda from one country to another?

Mr. TROSTEN. On board ship.

Mr. ARENS. Did you take it in sacks or parcels or on your person? By what mode did you actually get it on the ship and dump it off?

Mr. TROSTEN. Take a package of propaganda, pamphlets.

Mr. ARENS. Did you have contacts in the foreign ports with other comrades to whom you would deliver this Communist propaganda?

Mr. TROSTEN. One specific instance in England, aboard the ship, the *James G. Swisshelm*, a person, Gerald Dardis; we did deliver pamphlets that were put out by the Waterfront Section concerning American seamen and the problems of American seamen in the States and dropped it off in Hull, England, in the party section.

Mr. ARENS. You are giving one illustration of the process by which seamen are utilized in the Communist conspiracy.

Now, Mr. Trosten, what other activity did you, as a Communist, engage in, in addition to your participation in the seamen's union as a comrade and in the deliverance of Communist propaganda?

Mr. TROSTEN. Aside from attending the meetings, carrying out party policy aboard ship, that was it.

Mr. ARENS. To your knowledge, do you know of any instances in which comrades would transport people at the behest of the Communist Party, take them on board as seamen or something of that kind?

Mr. TROSTEN. I have not seen that; no, sir.

Mr. ARENS. Do you have any information from Communist sources respecting that type of activity?

Mr. TROSTEN. No, I didn't.

Mr. ARENS. Based upon your background and experience in the Communist Party—first of all, for some period of time as a dedicated Communist and, thereafter, as an undercover agent of the Federal Bureau of Investigation—do you have an appraisal to make to this committee of the threat to the security of this Nation which can be posed by Communists aboard merchant vessels or on waterfront facilities?

Mr. TROSTEN. I feel this way: It is a line of communication, one of our first lines, on merchant ships, and to have Communists aboard ship is naturally a dangerous thing at a time now when the cold war is still going on. It is not difficult for a Communist to go to sea with all the

restrictions. There are Panamanian seamen's books, there are still passports. I remember when my papers were taken away I went to a Panamanian consul in Houston, Texas, I had an American passport, I paid my passage and shipped out on a Panamanian flagship.

Mr. ARENS. Do you have any instances in mind in which comrades would exchange among comrades seamen's papers?

Mr. TROSTEN. Very possibly.

Mr. ARENS. Did you know as a comrade a man by the name of Roy Rydell?

Mr. TROSTEN. Yes, quite some years ago.

Mr. ARENS. Does Roy Rydell, to your knowledge, presently have seaman's papers?

Mr. TROSTEN. Yes.

Mr. ARENS. Did you know as a comrade a person by the name of Morton Jackson?

Mr. TROSTEN. Yes, I did.

Mr. ARENS. Does Morton Jackson, to your certain knowledge, now have seaman's papers?

Mr. TROSTEN. The last I heard, yes.

Mr. ARENS. When was that?

Mr. TROSTEN. This is less than a year ago.

Mr. MOULDER. You referred to him as a comrade.

Mr. ARENS. As a Communist.

You knew Morton Jackson as a Communist?

Mr. TROSTEN. I knew Morton Jackson as a party member.

Mr. ARENS. Did you know as a Communist a person by the name of Charles Malvern Swan?

Mr. TROSTEN. I can't make identification.

Mr. ARENS. Did you know as a Communist a person by the name of John Southwick?

Mr. TROSTEN. No, sir.

Mr. ARENS. Did you know as a Communist a person by the name of Hector Manuel Monteverde?

Mr. TROSTEN. Yes.

Mr. DOYLE. Mr. Arens, may I suggest that there are two periods of time involved here. One is when he was a bona fide Communist between 1943 and 1951 and the other time is when he was an undercover agent. I think it would be helpful to have in the record the period of time he knew these people—while he was a bona fide Communist or while he was an FBI agent.

Mr. ARENS. What period of time did you know Hector Monteverde as a member of the Communist Party?

Mr. TROSTEN. I have never been an agent for the FBI. I have been an informant for the FBI.

Mr. ARENS. Mr. Trosten, during what period of time did you know Hector Manuel Monteverde as a member of the Communist Party?

Mr. TROSTEN. 1944 through 1950.

Mr. ARENS. Did you know as a member of the Communist Party Lawrence John O'Toole?

Mr. TROSTEN. Yes.

Mr. ARENS. During what period of time did you know him as a member of the Communist Party?

Mr. TROSTEN. 1942 to about 1953.

Mr. ARENS. Did you know as a member of the Communist Party a person by the name of Morris Pinsky?

Mr. TROSTEN. I have met Morris Pinsky a few times.

Mr. ARENS. As a Communist?

Mr. TROSTEN. At party meetings.

Mr. ARENS. During what period of time did you know him?

Mr. TROSTEN. This was back in 1948, 1949, and 1950.

Mr. ARENS. Did you know as a member of the Communist Party a person by the name of Lawrence Rosenkrantz?

Mr. TROSTEN. Yes.

Mr. ARENS. During what period of time did you know him?

Mr. TROSTEN. 1949-1950.

Mr. ARENS. Did you know as a member of the Communist Party Angel Torres?

Mr. TROSTEN. Yes.

Mr. ARENS. During what period of time did you know him as a member of the Communist Party?

Mr. TROSTEN. Right until 1960.

Mr. ARENS. Did you know as a member of the Communist Party one William Shilling Milhouse?

Mr. TROSTEN. Yes.

Mr. ARENS. What period?

Mr. TROSTEN. 1948-1950.

Mr. ARENS. Did you know as a member of the Communist Party, Paul Palazzi?

Mr. TROSTEN. Yes.

Mr. ARENS. During what period of time did you know him as a member of the Communist Party?

Mr. TROSTEN. During my membership in the National Maritime Union.

Mr. ARENS. Do you have any incident to report respecting the Communist Party activities of Paul Palazzi?

Mr. TROSTEN. No.

Mr. ARENS. Did you know a person as a member of the Communist Party by the name of Ted Salo?

Mr. TROSTEN. Yes.

Mr. ARENS. What period of time did you know him as a member of the Communist Party?

Mr. TROSTEN. 1947 to 1950.

Mr. ARENS. Mr. Trosten, are there any other persons who, to your certain knowledge, were active within the unit or units of the Communist Party devoted to seamen's work whose names come to your mind, to a certainty, as members of the Communist Party?

Mr. TROSTEN. One Leonard Lamb.

Mr. ARENS. When did you know him as a member of the Communist Party?

Mr. TROSTEN. 1943 to 1950.

Mr. ARENS. Can you give us a word about him, please?

Mr. TROSTEN. I think he is a Spanish veteran from the war in Spain. He was up to the Waterfront Section very often. He gave the propaganda pamphlets to seamen when they came up there and he also sailed actively.

Mr. ARENS. Is there another person whose name comes to your mind who was known by you, to a certainty, to be a member of the Communist Party, active in the seamen's work of the Communist Party?

Mr. TROSTEN. Many of them.

Mr. ARENS. I beg your pardon.

Mr. TROSTEN. There were so many.

Mr. ARENS. Any other principal ones? I was under the impression from our conferences with you that we had received here from you at least the principal ones.

Mr. TROSTEN. Bob Deauchare.

Mr. ARENS. Was he known by you, to a certainty, to be a member of the Communist Party?

Mr. TROSTEN. Yes.

Mr. ARENS. Will you give us a word about him, please?

Mr. TROSTEN. He was an important agent for the National Maritime Union in Galveston, Texas.

Mr. ARENS. Is there another person?

Mr. TROSTEN. Right now I can't seem to remember too many more.

Mr. ARENS. Based upon your background and experience in the Communist Party engaged in seamen's work, how can the Communists utilize Communist seamen for smuggling of couriers or espionage agents? Can you give us a word on that?

Mr. TROSTEN. It is not too difficult to cover a man up on a passenger ship where you have a crew of about 600 or 700, like the *United States* or the *America* or the *Constitution*. You find them in the steward's department, and he can ride over and back with practically no detection by anybody, because there are so many aboard.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. DOYLE (presiding). Mr. Scherer, any questions?

Mr. SCHERER. I have no questions.

Mr. DOYLE. Mr. Johansen?

Mr. JOHANSEN. No.

Mr. DOYLE. I have just a few.

You stated that you were a bona fide Communist, in fact, from 1943 to 1951. What caused you to leave the party?

Mr. TROSTEN. I went to Germany and I lived over there about 11 months and I had a pretty good look at East and West. I had visited the East Zone of Germany right behind Lubeck, the dividing line.

Mr. DOYLE. Will you talk a little louder?

Mr. TROSTEN. I was living in Hamburg, Germany, and I had occasion to go into East Germany, and the difference in living between East and West, there is no comparison. I wish that all American Communists today would take a look at the Eastern Zone of Germany and then take a look at the Western Zone of Germany. They are state policed, there are government stores. That is the only place they can buy. The rubble is not cleared from the bombing yet. There is not such a thing as freedom in choice of job. That generally knocks all your ideas out, if you had any idea of freedom underneath the Communist rule.

You would certainly lose it if you took a first-hand look at it.

Mr. DOYLE. Did you attend any Communist meetings in East Germany?

Mr. TROSTEN. No, I did not, sir.

Mr. DOYLE. Did you attend any Communist meetings in West Germany?

Mr. TROSTEN. No, I did not.

Mr. DOYLE. I don't think I heard you state how many years you were an undercover agent of the FBI.

Mr. TROSTEN. I was never an agent.

Mr. DOYLE. I beg your pardon, an informer.

Mr. TROSTEN. When I came back from Germany I wrote a letter to the Federal Bureau of Investigation and I offered them any service that I could give them.

Mr. DOYLE. How many years did you perform that service?

Mr. TROSTEN. Right up to the present day, 7 years.

Mr. DOYLE. Seven years?

Mr. TROSTEN. About 7 years.

Mr. DOYLE. When you say right up to the present day, does that mean this minute?

Mr. TROSTEN. Right up to now.

Mr. DOYLE. At the present time you are an undercover——

Mr. TROSTEN. No. At the present time I am right out of cover.

Mr. DOYLE. I see. You are not paid a salary as such?

Mr. TROSTEN. No, I am not paid a salary.

Mr. DOYLE. Were you paid any money as such?

Mr. TROSTEN. I have never been paid, with the exception of one time I had expenses that covered fares in New York and what-not. That was the only time I had taken any money from the Federal Government.

Mr. DOYLE. I am aware of the fact that informers, such as you have been, are not paid a salary, but I wanted the record to show what the fact is.

Mr. TROSTEN. Thank you.

Mr. DOYLE. That is why I asked that question.

You stated you were a bona fide Communist when you went to England, Belgium, and France?

Mr. TROSTEN. Yes, sir.

Mr. DOYLE. At times you took Communist propaganda?

Mr. TROSTEN. I have.

Mr. DOYLE. During the years 1943 to 1951, to foreign countries?

Mr. TROSTEN. Yes, sir.

Mr. DOYLE. Were there other Communists aboard the ships with you?

Mr. TROSTEN. Of course.

Mr. DOYLE. Did you hold Communist meetings aboard ship?

Mr. TROSTEN. Yes, we did.

Mr. DOYLE. Was that a matter of common practice?

Mr. TROSTEN. Yes, it is.

Mr. DOYLE. How many Communists, other than you, would be aboard the ship ordinarily?

Mr. TROSTEN. Sometimes there would be two or three or one. Sometimes you would be alone. But wherever you had a big ship, a

passenger ship or a troop transport, you always had four or five or six or more.

Mr. DOYLE. How did you discover that there were other Communists aboard the ship, other than yourself?

Mr. TROSTEN. Very simple. We attended meetings in the Water-front Section in New York or wherever we happened to have known each other.

Mr. DOYLE. In other words, you were identified one to the other as Communists before you went aboard ship?

Mr. TROSTEN. I didn't know specifically that so-and-so who was a Communist was going to catch the same ship that I did; but at the time I was sailing, a tremendous amount of the officials of the National Maritime Union were members of the party.

Mr. DOYLE. What is the fact now, if you know?

Mr. TROSTEN. The fact now is that the Communists are no longer in the National Maritime Union due to a political internal struggle about 6½ or 7 years ago. The known party members that were carrying cards in the rank-and-file lost their seamen's papers.

Mr. ARENS. You heard the testimony of Admiral Hirshfield a few moments ago that they are getting their papers back now?

Mr. TROSTEN. Yes.

Mr. DOYLE. Is the number of Communist Party members in your judgment increasing or decreasing so far as the maritime industry is concerned?

Mr. TROSTEN. I think at the present time the party is campaigning to increase its membership more openly than they have in the past 7 or 8 years, and I definitely think that they will try to establish or reestablish themselves a lot more firmly along the waterfront in the near future.

Mr. SCHERER. Are you familiar with the court decision?

Mr. TROSTEN. Yes, I am.

Mr. SCHERER. This court decision, unless corrected by the legislation the committee now has before it, will enable them to much more readily establish themselves, will it not?

Mr. TROSTEN. That is an established fact.

Mr. SCHERER. You heard the testimony that there are about 300 who had been screened off of ships who, since this court decision, have had their seamen's papers reissued to them?

Mr. TROSTEN. Yes.

Mr. DOYLE. You state that the Communist Party in this country is more active than it has been for several years in trying to increase its membership.

Mr. TROSTEN. Yes.

Mr. DOYLE. What are they doing along that line as far as you know?

Mr. TROSTEN. It is very indicative. It was right in the public eye in these sessions in California, where you had all your young people forming and raising a ruckus.

Mr. DOYLE. What incident do you refer to?

Mr. TROSTEN. This was the committee meeting on the West Coast not too long ago.

Mr. DOYLE. If you know, was that a result of the Communist—

Mr. TROSTEN. I believe it was staged.

Mr. DOYLE. As a result of the Communist influence?

Mr. TROSTEN. I believe it was. That is my personal opinion, but I think it was a staged riot.

Mr. DOYLE. You refer to the meeting being held by this committee in San Francisco a couple or 3 weeks ago?

Mr. TROSTEN. That is right, sir.

Mr. DOYLE. Do you have knowledge of any Communist, to your knowledge, who was there?

Mr. TROSTEN. No; I do not.

Mr. SCHERER. I can say that we just saw the pictures of the riots that Mr. Johansen and I witnessed, the movies, and there are seven well-known Communists in the front line of the demonstrations, Mr. Doyle, for your information, leading the demonstrations.

Mr. DOYLE. I am glad the colleague has added that to the record.

Mr. SCHERER. I might say, also, Mr. Doyle, the movies we saw of the demonstrations were not taken by the committee or at the direction of the committee. They were taken by the news media.

Mr. DOYLE. I am anxious to inquire again, if you know or have an opinion as the result of the fact that you were an actual Commie for several years and then an informer for several years, since 1951—you state the number is increasing and that the party is anxious to increase its membership and is more active recently than for years—in what way, could you tell the committee, are they emphasizing or trying to increase their members? What steps have they taken, or are they taking, to your knowledge? How do they propagandize?

Mr. TROSTEN. They use so many instances. The integration problem. The minority groups, Puerto Ricans, Negroes, and the younger people with ideas unformed yet. This is the general tactic of the party.

Mr. DOYLE. Mr. Johansen.

Mr. JOHANSEN. Is there any question in your mind as to whether the removal of the safeguards with respect to security and the means of screening off known Communists as a result of the court decisions has an adverse effect on the security of the United States?

Mr. TROSTEN. It has an adverse effect, of course, because where a man has been screened off the ship, until it is definitely proven at a hearing that the man is not a security risk, it is dangerous to have the man on board ship in times like these. There is no question about that.

Mr. DOYLE. May I just ask one more question? I see in the hearing room 50 to 75 young people of high-school age, or close to that age. I am asking you this question, not only because I want the record to show what your answer is, but because we want the benefit of your information. I would like you to talk up so that the people in this room can hear you, if you will. This is my question: You stated that the Communists have a line of communication, that is, the Communists that go to sea and seamen on the wharves and so forth, and you stated that is a threat to the security of the United States. You so stated; did you not?

Mr. TROSTEN. Yes.

Mr. DOYLE. Tell us now so that we can all hear you, in what way is it a threat to the security of the United States?

Mr. TROSTEN. Communism is international, and if you are an American you can't work for another government. A specific example of it:

Going back to the Second World War when Russia marched alongside with Germany, at that particular time the Communist line was, let us say, "out of it." Then when Russia turned around and suddenly came over to the Allies' side, then all the Communist line was, "We jump into the war." It is a simple matter. You can't play two sides. You can't be an American and you can't be a Russian.

Mr. SCHERER. You mean a Communist owes his primary allegiance to the Soviet Union?

Mr. TROSTEN. That is right.

Mr. SCHERER. Even though he might hold American citizenship?

Mr. TROSTEN. That is the big factor. It fools people. It sounds good. Integration, minority group protection, 8 hours a day work, paid holidays. We are getting all of that anyway without the Communists.

Mr. DOYLE. Let me ask you a very personal question. You stated that the Communists are not loyal to the United States of America.

Mr. TROSTEN. You can't possibly be loyal to the United States of America if you are going to follow the policy of the party line.

Mr. DOYLE. You were in the party from 1943 to 1951?

Mr. TROSTEN. Yes, sir.

Mr. DOYLE. During that period of time were you disloyal to the United States?

Mr. TROSTEN. At the time, before I realized what I was doing, I think it was disloyal. Of course, it was disloyal, because I didn't understand the full implication of being a Communist.

Mr. DOYLE. What caused you to comprehend the full implication of being a Communist?

Mr. TROSTEN. Various reasons, aside from seeing communism in Germany. Being a Jew I understand that there are very few Jews left over there in Russia right now. There has been a small pogrom there. I think that has hurt the party considerably where Jewish membership is concerned, especially in the East. It is impossible to go through the whole scope of this. I can't do it. I think I have expressed myself as best I could.

Mr. DOYLE. In other words, your own experience from 1943 to 1951 was such that you are testifying that it is impossible for an American Communist to be loyal to the United States Government, is that correct?

Mr. TROSTEN. I find it so. I don't see how it could be possible to turn around and work for two governments. I was particularly fortunate that Russia at the time was on the allied side.

Mr. DOYLE. I thank you.

Mr. SCHERER. Since we are talking about longshoremen, Mr. Chairman, and the issue of the San Francisco demonstrations was raised, I might say that these movies and testimony showed that Harry Bridges, the head of the longshoremen's union, a well-known Communist, who was before this committee last year, participated along with some of his longshoremen in the demonstrations in California.

Mr. ARENS. Thank you, Mr. Trosten.

The next witness, if you please, Mr. Chairman, will be Donald William Jackson.

Please come forward and remain standing while the chairman administers the oath.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. JACKSON. I do.

**TESTIMONY OF DONALD WILLIAM JACKSON, ACCOMPANIED BY
COUNSEL, VICTOR RABINOWITZ**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. JACKSON. Donald Jackson, New York City, 648 West 160th Street. I am presently unemployed.

Mr. ARENS. You are appearing today, Mr. Jackson, in response to a subpoena which was served upon you by this committee?

Mr. JACKSON. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. JACKSON. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. When were you last employed?

Mr. JACKSON. I left the job last week.

Mr. SCHERER. I did not hear the answer, Mr. Arens.

Mr. JACKSON. I left the job last week.

Mr. SCHERER. You left the job last week?

Mr. JACKSON. Yes.

Mr. ARENS. Where was the job?

Mr. JACKSON. In the building trades in New York City.

Mr. ARENS. Have you been engaged in the seaman vocation in the course of the recent past?

(The witness conferred with his counsel.)

Mr. JACKSON. No, I have not.

Mr. ARENS. Do you presently hold seaman's papers?

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse to answer the question because I consider it—

Mr. ARENS. You are reading from a prepared statement?

Mr. JACKSON. No, I prepared the notes. I consider it in this proceeding a violation of my constitutional rights. Our Constitution was founded, and its guiding principles were forged, in revolution against tyranny and the system of suppression and star chamber proceedings that are tyranny's essential handmaidens. Thus it was with understanding gained through bitter struggle that the framers of the Constitution placed freedom of dissent at the head of the list of conditions vital to the survival of their hopes for free men. Our founders also fully understood that honest representative government is strengthened by free and full discussion in the marketplace of ideas. Our Constitution will yet survive the attacks of these star chamber proceedings if people once again understand the vital role of the first amendment in our concept of freedom and the immunity from unjust prosecution, which is the essence of the fifth amendment. At a time when a wide cross-section of responsible opinion is calling for an abolition of this kind of foul notoriety-seeking, I can do no less than stand with those who choose to defend the Constitution. In particular, I deplore any attempt to breathe life into this committee by writing further legislation at a time when public awareness of the

list of the actual crimes of this committee is growing and it is becoming doubtful that the committee will again venture outside the insulation from public scorn that exists here in a Government-employed population.

I stand on the first and fifth amendments.

Mr. ARENS. Do you honestly apprehend if you answered the last outstanding question truthfully, you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. JACKSON. I feel if I answered I might be subjected to unjust prosecution; yes, sir.

Mr. ARENS. I display to you now a document, a certificate from R. Y. Edwards, Captain, U.S. Coast Guard, Chief, Merchant Vessel Personnel Division, certifying that you, sir, have had recently, in the course of the last few years, seaman's papers validated, issued to yourself, Donald William Jackson. Kindly look at this document, which I now display to you, and tell this committee whether or not that reflects a true and correct statement of the facts respecting seaman's papers have been issued to you.

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse on the same grounds as the previous question.

(Document marked "Jackson Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you have arrangements made presently to ship out as a seaman in the course of the next several days?

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse to answer on the same grounds as the original question.

Mr. ARENS. Are you now, this instant, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse to answer on the same grounds.

Mr. ARENS. Do you, sir, presently have current information respecting Communist Party activities on merchant vessels which you can supply to your Government via this Committee on Un-American Activities?

Mr. JACKSON. I refuse to answer on the same grounds.

Mr. ARENS. How long did your last principal employment endure?

(The witness conferred with his counsel.)

Mr. JACKSON. Approximately 2 months.

Mr. ARENS. What was your principal employment immediately preceding your last principal employment?

(The witness conferred with his counsel.)

Mr. JACKSON. I was unemployed.

Mr. ARENS. What was your last principal employment prior to the period in which you were unemployed?

(The witness conferred with his counsel.)

Mr. JACKSON. I have been for the last number of years on various short-term jobs, mainly in the construction building.

Mr. ARENS. Have you been a seaman in the course of the last several years?

(The witness conferred with his counsel.)

Mr. JACKSON. I object on the same grounds as when this question was put previously.

Mr. ARENS. You say you object. Are you invoking that part of the Constitution which gives you the privilege of not giving information which could be used against you in a criminal proceeding?

Mr. JACKSON. Specifically the first and fifth amendments.

Mr. ARENS. Which part of the fifth amendment do you invoke, that part which gives you the privilege of not giving information which, in your judgment, could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. JACKSON. Yes.

Mr. ARENS. Have you ever held a United States passport?

(The witness conferred with his counsel.)

Mr. JACKSON. No.

Mr. ARENS. Have you ever traveled abroad?

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse to answer on the same grounds as before.

Mr. ARENS. When did you last travel abroad?

(The witness conferred with his counsel.)

Mr. JACKSON. I refuse to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. No, thank you.

Mr. JOHANSEN. No questions, Mr. Chairman.

Mr. DOYLE. May I just ask, Mr. Jackson, you read a statement there. You were not interrupted and were allowed to read the complete statement. Was that a statement that you yourself wrote, or was it prepared for you?

(The witness conferred with his counsel.)

Mr. JACKSON. It is my own statement completely.

Mr. SCHERER. I submit he has not answered your question, Mr. Chairman. He said it is his own statement. You asked him who prepared the statement.

Mr. DOYLE. Did you write it out yourself, or did someone prepare it for you?

Mr. JACKSON. I prepared it myself.

Mr. DOYLE. I have no other questions.

Mr. ARENS. Thank you.

The next witness, if you please, Mr. Chairman, will be Rudolf Kaunitz.

Kindly step forward and remain standing while the chairman administers the oath.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAUNITZ. I do.

TESTIMONY OF RUDOLF KAUNITZ, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KAUNITZ. Rudolf Kaunitz, 124 West 85th Street. Unemployed.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by this committee?

Mr. KAUNITZ. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. KAUNITZ. That is correct.

Mr. ARENS. Counsel, kindly identify yourself for the record.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. How long have you been in an unemployed status?

Mr. KAUNITZ. A few days.

Mr. ARENS. What was your employment immediately prior to your unemployed status?

Mr. KAUNITZ. I was an electrician.

Mr. ARENS. How long did your employment as electrician endure?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I free-lance as an electrician and I am working on odd jobs off and on continuously.

Mr. ARENS. What other employment have you been engaged in during the last few years?

(The witness conferred with his counsel.)

Mr. KAUNITZ. None.

Mr. ARENS. Do you presently hold seaman's papers?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I refuse to answer this question on the grounds that I feel this committee has no right whatsoever to exist in a democratic society. It is a modern version of the Spanish Inquisition, both in composition—

Mr. ARENS. You are reading from a prepared statement?

Mr. KAUNITZ. No, notes.

Mr. ARENS. You are reading from notes?

Mr. KAUNITZ. That is correct.

Mr. ARENS. Proceed, if you please.

Mr. KAUNITZ. Both in composition and in every action of this committee it is in violation of the Constitution. Instead of burning its victims at the stake, the committee would deprive them of their livelihood and thus starve the dissenters and nonconformists. The committee is trying to punish heretics, and the Constitution prohibits such punishment expressly.

Mr. DOYLE. May I interrupt just a minute. I submit that the witness is reading a statement. You have told the committee you are reading from notes. You are reading every word you utter from that statement; are you not? Why don't you tell us what the fact is?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I am not. These are just notes that I am using in order to refresh my memory.

Mr. DOYLE. May I see the statement, please?

Mr. KAUNITZ. Certainly.

(The witness conferred with his counsel.)

Mr. DOYLE. I am not objecting to your reading it, but I want you to tell us what you are reading from. I still think you are reading. We do not object to reading. I just wanted to get whatever the truth is.

If you are just referring to notes, why don't you look up once in a while?

Mr. KAUNITZ. I will be glad to.

Mr. DOYLE. Do that.

Mr. KAUNITZ. Like the Inquisition, this committee has many times overstepped its limitations, particularly I refer to the fact that the

dossiers of teachers in California who were subpoenaed were turned over to the local school boards, a matter which certainly has no connection with this committee whatsoever. I also object to the fact that this committee has carried its witch hunt with the aid of Nazi collaborators, perjured witnesses, and faceless informers without giving its victims a chance to defend themselves. Finally, as to the composition of this committee, I think the committee should disqualify itself due to the fact that most of the victims before this committee have been active in the struggle for the rights of the Negro people, while one member of this committee, Congressman Willis of Louisiana, was elected by 8,000 people in a district of 295,000 adults, which is approximately 3 percent of the population of that area. I am convinced that Mr. Willis could not get himself elected dog-catcher if it was not for the fact that the Negro people in that community are robbed of their rights.

Mr. DOYLE. I wish to say I am sorry you make that statement when Mr. Willis is not here. He is perfectly able to defend himself, of course.

Mr. JOHANSEN. Mr. Chairman, may I say that is a familiar line that we heard in San Francisco day after day. So apparently it was coached from the same source.

Mr. DOYLE. Surely.

Mr. SCHERER. In addition to that, I think we should say, being a Republican myself, that I consider Mr. Willis, who is a Democrat, one of the most able and conscientious Members of the Congress of the United States.

Mr. JOHANSEN. I associate myself with that statement.

Mr. DOYLE. You only handed me two pages. Now you are looking at page 3?

Mr. KAUNITZ. I handed you three pages.

Mr. DOYLE. How many pages have you there?

Mr. Kaunitz, just refer to your notes. Don't read it.

Mr. KAUNITZ. While the victims fight for the proposition that all men are created equal, Mr. Arens has never denied being a paid consultant for Draper's Committee trying to prove Negro people genetically are inferior and send them off to Africa—

Mr. ARENS. Will you kindly pause there and tell me what the source of your information is—

Mr. KAUNITZ. Absolutely.

Mr. ARENS. Respecting this subject matter, and tell this committee whether or not you have received directions from the Communist conspiracy itself to make this attack?

Mr. KAUNITZ. Could you kindly repeat the pending question?

Mr. ARENS. Have you been in consultation with any person known by you to be a member of the Communist Party respecting the last observation made by yourself on this record?

(The witness conferred with his counsel.)

Mr. SCHERER. Obviously he has.

Mr. KAUNITZ. I refuse to answer this on the ground stated before.

Mr. ARENS. Go right ahead with your prepared statement.

Mr. DOYLE. May I see, please, the paper you are just referring to? You are referring to certain documents. May I see them, please?

Mr. RABINOWITZ. This is a copy from 'The Nation' for Saturday, May 14, entitled "Genetics and Subversion," by Roland May. The

other article presented was an excerpt from the Congressional Record, entitled "The Dragon Slayers."

Mr. SCHERER. That is the famous Roosevelt speech.

Mr. RABINOWITZ. Yes, it is, Congressman.

Mr. DOYLE. This is the sort of garbage that goes around in the hands of Communists.

Mr. ARENS. This first document which you just transmitted to the acting chairman of this subcommittee is a document which by its face, is being disseminated, compliments of the [Emergency] Civil Liberties Committee. Is that correct?

Mr. KAUNITZ. Yes.

Mr. ARENS. Where did you acquire this document?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I was handed this document.

Mr. ARENS. By whom?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't recall.

Mr. ARENS. Was it in the course of the last few weeks?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

Mr. ARENS. Was it in New York City?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

Mr. ARENS. Was it at a meeting?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

(Members of the subcommittee present at this point: Representatives Scherer, Doyle, and Johansen.)

Mr. ARENS. What meeting was it?

(The witness conferred with his counsel.)

Mr. KAUNITZ. It was the Youth Against the House Un-American Committee meeting.

Mr. ARENS. Was that last Friday evening?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes, I believe.

Mr. ARENS. Was it Friday, June 3, at the Woodstock Hotel in New York City?

Mr. KAUNITZ. Yes.

Mr. ARENS. While you were there did you see Paul Robeson, Jr.?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I decline to answer any questions concerning the names of people on the grounds stated previously.

Mr. JOHANSEN. Mr. Chairman, what grounds have been stated previously?

Mr. DOYLE. No grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this witness has opened this door himself. He produced a document from which he read an attack against me, a scurrilous attack, which the chairman of this committee has looked into and has announced repeatedly is nothing but Communist propaganda, is untruthful. He has then repeated on this record lies against this committee and against a member of this committee, and now he has, by pursuing his own trail, led himself and this committee into a meeting of the Youth To Abolish the House Un-American Activities Committee. I therefore

feel he has waived any basis upon which he can now hesitate to answer questions respecting those who were in attendance at this meeting. I therefore, Mr. Chairman, respectfully suggest that the chairman now order and direct this witness to answer the question as to whether or not Paul Robeson, Jr., was in attendance at the meeting of the Communist front, the Youth to Abolish the House Un-American Activities Committee, at which he acquired this material from which he attacked me as staff director of this committee.

(The witness conferred with his counsel.)

Mr. DOYLE. May I say this to counsel: Perhaps I better instruct the witness so that you will know what my instructions are as you finish your consultation. I do not mean to interrupt you, Counsel, but I thought you should know. I now instruct you, Witness, to answer the question that Mr. Arens asked you.

Mr. RABINOWITZ. The question is?

Mr. ARENS. Did you see at this meeting Paul Robeson, Jr.?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't know. I didn't see Mr. Robeson there.

Mr. ARENS. Did you see Frank Wilkinson there?

Mr. KAUNITZ. Yes, I did.

Mr. ARENS. Do you know Frank Wilkinson?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't understand what knowing a person means in this connection.

Mr. ARENS. Had you had his acquaintanceship? Did you know him prior to the time you attended this meeting?

Mr. KAUNITZ. No.

Mr. ARENS. Was that the first time that you had seen him, the time you saw him at the meeting?

Mr. KAUNITZ. Yes.

Mr. ARENS. What was his part, or what participation did he develop, in the meeting?

(The witness conferred with his counsel.)

Mr. KAUNITZ. He spoke on the events that took place in San Francisco.

Mr. ARENS. Did he identify himself as a person who was an officer of the Citizens Committee To Preserve American Freedoms?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't know the name. He identified himself as a member of some committee.

Mr. ARENS. Did you know Frank Wilkinson as a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I refuse to answer that question on the grounds that I have previously stated and also on the reasons that I am about to continue to state it whenever I can continue my statement.

Mr. DOYLE. Just a minute. I instruct the witness to answer that question. He has not stated any grounds of objection to answering the question.

(The witness conferred with his counsel.)

Mr. KAUNITZ. I refuse to answer that question on all the grounds previously stated, and also on the protection of the fifth amendment.

Mr. ARENS. How many people were in attendance at this meeting?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't know. I didn't count them.

Mr. DOYLE. May I ask about how many you observed? Were there as many as 50?

Mr. KAUNITZ. I have no ability to judge, I am sorry.

Mr. ARENS. Were there more than 50?

Mr. KAUNITZ. I don't know.

Mr. ARENS. Were there as many as a hundred?

Mr. KAUNITZ. I don't know.

Mr. ARENS. Were there less than 50?

Mr. KAUNITZ. I don't know.

Mr. ARENS. Were there more than five?

Mr. KAUNITZ. Yes.

Mr. ARENS. Were there more than 25?

Mr. KAUNITZ. I don't know.

Mr. ARENS. Were there more than a dozen?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

Mr. ARENS. Were there more than two dozen?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't know.

Mr. ARENS. Did you hear Pete Goodman utter these words?

"Mr. Walter, that is the chairman of the Committee on Un-American Activities, is in for a surprise this time, during the seamen's hearings. I only hope we do as well as we did in San Francisco."

Did you hear Mr. Pete Goodman utter those words?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I don't recall.

Mr. ARENS. Did you hear Pete Goodman utter words substantially the same as those words which I have just quoted?

Mr. KAUNITZ. I don't recall.

Mr. ARENS. Do you recall Pete Goodman saying, in substance, that Mr. Walter is in for a surprise and that we will do "as well as we did in San Francisco"?

Mr. KAUNITZ. I don't recall, no.

Mr. ARENS. Do you recall whether Frank Wilkinson, in his remarks, said anything about these hearings in which we are presently engaged?

(The witness conferred with his counsel.)

Mr. KAUNITZ. No, I don't. I only remember his remarks connected with the events in San Francisco.

Mr. ARENS. Do you recall anyone speaking besides Mr. Wilkinson with reference to these seamen's hearings in which we are presently engaged, hearings about Communist activities among seamen?

(The witness conferred with his counsel.)

Mr. SCHERER. In view of the fact that the witness said Frank Wilkinson was at the meeting, I think the record should show that Frank Wilkinson is an identified Communist. That he has been convicted and sentenced and his case is now on appeal for his refusal to answer questions of a congressional committee concerning his Communist activities; that he is the coordinator for the Emergency Civil Liberties Committee, the Citizens Committee To Preserve American Freedoms, and the Youth To Abolish the House Un-American Activities Committee. Frank Wilkinson was one of the leaders participating in the riots at San Francisco.

Mr. ARENS. Did you hear a Miss Miller speak at this meeting?

Mr. KAUNITZ. I don't recall a Miss Miller.

Mr. ARENS. Do you recall a young lady who spoke at the meeting? (The witness conferred with his counsel.)

Mr. KAUNITZ. I came late. No, I don't.

Mr. ARENS. Do you recall a person who spoke at the meeting who announced that the students present were to distribute 10,000 copies of Congressman Roosevelt's speech against the Committee on Un-American Activities; that these were to be distributed in the New York area? Do you recall reference to that?

Mr. KAUNITZ. No.

Mr. SCHERER. Where did you get your copy of the Roosevelt speech that you brought with you and from which you said you were quoting in your testimony this morning?

(The witness conferred with his counsel.)

Mr. KAUNITZ. At the meeting.

Mr. ARENS. Who gave it to you at the meeting?

Mr. KAUNITZ. An unidentified person.

Mr. ARENS. Was that the same person who gave you this document disseminated by the Communist front, Emergency Civil Liberties Committee?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I picked it up on a chair.

Mr. ARENS. Was it a man or a woman who gave you the first document? The Emergency Civil Liberties Committee document.

Mr. KAUNITZ. I picked that up on the chair.

Mr. ARENS. Did you pick both up on the chair?

Mr. KAUNITZ. No, no. The Roosevelt statement was given to me by an unidentified person.

Mr. ARENS. Was it a man or woman?

Mr. KAUNITZ. I believe it was a woman.

Mr. SCHERER. Under whose auspices was that meeting in New York held last Friday night?

Mr. KAUNITZ. I already pointed out it was under the Youth Against the House Un-American Committee.

Mr. SCHERER. Do you know that the headquarters for the Youth Against the House Un-American Activities Committee is the same headquarters as the Emergency Civil Liberties Committee?

Mr. KAUNITZ. No.

Mr. SCHERER. You don't know that?

Mr. KAUNITZ. No.

Mr. SCHERER. You don't know that they put ads in The Worker for this meeting, do you?

Mr. KAUNITZ. No.

Mr. DOYLE. Did you receive a notice of the meeting? How did you happen to go? How did you happen to know the meeting was there?

(The witness conferred with his counsel.)

Mr. DOYLE. Or did you just drop in as usual?

Mr. KAUNITZ. I was told about it.

Mr. ARENS. Who told you about it?

Mr. KAUNITZ. I don't recall.

Mr. JOHANSEN. Excuse me a moment. Mr. Kaunitz, how old are you?

Mr. KAUNITZ. 38.

Mr. JOHANSEN. How many persons were at this youth meeting who were over 21, would you guess?

Mr. KAUNITZ. I don't know.

Mr. JOHANSEN. Were there a number of older persons present?

Mr. KAUNITZ. I didn't notice any.

Mr. SCHERER. Wilkinson is over 21, isn't he?

Mr. KAUNITZ. Yes.

Mr. SCHERER. He is a man about your age, is he not?

Mr. KAUNITZ. I don't know his age. I would say he is over 21.

Mr. SCHERER. He is over 30, is he not?

Mr. KAUNITZ. I don't know. I don't know the man's age.

Mr. SCHERER. He is as old or older than you, isn't he?

Mr. KAUNITZ. I don't know.

Mr. SCHERER. He appears to be, does he not, when you look at him? (The witness conferred with his counsel.)

Mr. KAUNITZ. I don't know.

Mr. DOYLE. May I ask the witness—a minute ago, in answering Mr. Arens, you said all that you recalled was what Wilkinson said about the San Francisco meeting. You remember saying that?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

Mr. DOYLE. You do remember what Wilkinson said about the San Francisco meeting? Tell us what you heard him say.

Mr. KAUNITZ. He described the events.

Mr. DOYLE. Tell us everything that he said.

Mr. KAUNITZ. He described events that took place prior and at the meeting at that time in San Francisco.

Mr. DOYLE. You give us the description he gave of those events.

(The witness conferred with his counsel.)

Mr. KAUNITZ. Mr. Wilkinson, in my opinion, spoke over a half hour. I didn't take any notes and I cannot repeat his speech.

Mr. SCHERER. Is a half-hour about right for the time he spoke on the hearings at San Francisco? He spoke for a half-hour?

Mr. KAUNITZ. Yes.

Mr. JOHANSEN. You said he spoke about what transpired at and prior to the hearings in San Francisco. What did he say about what happened prior to the hearings?

Mr. KAUNITZ. He mentioned the fact that a number of the people subpoenaed called meetings in the college. He mentioned a mass meeting which was held, I believe, at Union Square in San Francisco.

Mr. ARENS. Did he mention his participation in these sessions prior to our hearings and this mass meeting?

Mr. KAUNITZ. No.

Mr. ARENS. Did he mention, or did any one mention, in your presence there that the Communist Youth Against the House Un-American Activities Committee is to send to these very hearings in process today two bus loads of young people to picket or to heckle the committee?

Mr. KAUNITZ. I don't recall that.

Mr. ARENS. Do you have any information, irrespective of the source, that groups of young people are to be sent here from New York City to be in attendance at these sessions tomorrow?

Mr. KAUNITZ. I have no information on that.

Mr. ARENS. Now, during the course of the session did you see Jacob Rosen at the meeting?

Mr. KAUNITZ. I don't know Jacob Rosen.

Mr. ARENS. Did you see Charles Rosen?

Mr. KAUNITZ. I don't know Charles Rosen.

Mr. ARENS. Did you see Joanne Grant?

Mr. KAUNITZ. No.

Mr. ARENS. Did you see Pete Goodman?

Mr. KAUNITZ. Yes.

Mr. ARENS. Who is Pete Goodman?

(The witness conferred with his counsel.)

Mr. KAUNITZ. He is an acquaintance of mine.

Mr. ARENS. Is that the extent, just an acquaintance?

(The witness conferred with his counsel.)

Mr. ARENS. Do you know him in any capacity, or did you work with him in any groups or organizations?

Mr. KAUNITZ. I refuse to answer that on the grounds of the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you told this committee while under oath whether or not you have been active in any group or organization with Pete Goodman, you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I feel I might be subpoenaed to an unjustified prosecution.

Mr. ARENS. Is Pete Goodman, to your certain knowledge, a member of the Seamen's Defense Committee?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Fifth amendment.

Mr. ARENS. Did Pete Goodman speak at the meeting?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes.

Mr. ARENS. What did Pete Goodman say?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I left when Pete Goodman started to speak. I was interested in what Mr. Wilkinson had to say and then left.

Mr. ARENS. What time did you arrive at the meeting?

Mr. SCHERER. Before we get off Pete Goodman, how old is Pete Goodman?

Mr. KAUNITZ. I don't know.

Mr. JOHANSEN. Is he over 21?

Mr. RABINOWITZ. He will be here tomorrow. You will be able to judge for yourself. He is over 21. We all think of ourselves as youth. At least I do.

Mr. SCHERER. Let us get some idea now on the record, while we are talking about Pete, how old he is.

Mr. ARENS. Is Pete approximately your own age?

Mr. KAUNITZ. I cannot judge his age.

Mr. ARENS. Is he older than teenage?

Mr. KAUNITZ. Yes.

Mr. ARENS. Would you say he is old enough to vote? Is he 21?

Mr. KAUNITZ. Yes.

Mr. ARENS. Is he perhaps older than 21? Is he 25 at least?

(The witness conferred with his counsel.)

Mr. RABINOWITZ. Are you interested in my guess, gentlemen?

Mr. ARENS. No, Counsel, we are interested in the witness' guess.

(The witness conferred with his counsel.)

Mr. KAUNITZ. I assume Pete Goodman is over 21, yes.

Mr. SCHERER. What was that?

Mr. KAUNITZ. He is over 21.

Mr. ARENS. Are you, sir, a member of the Seamen's Defense Committee?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Fifth.

Mr. ARENS. Were you a recent litigant involving problems and issues pertaining to seamen's documents?

Mr. KAUNITZ. Fifth.

Mr. ARENS. Do you propose and intend to ship out as a seaman with seaman's documents in the course of the next several weeks?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Fifth.

Mr. DOYLE. Fifth what? Is that the name of a street or what? Why do you not dignify the United States Constitution by saying "I claim the privilege of the fifth amendment"? I do not recognize it when you sit there and just say "fifth."

(The witness conferred with his counsel.)

Mr. KAUNITZ. I claim the protection of the fifth amendment.

Mr. DOYLE. All right, then, claim it in a dignified manner. I do not hear you when you just sit there and holler "fifth."

Mr. ARENS. Mr. Kaunitz, we display to you now a certain certificate transmitted to this committee and identified on this record this morning by the Vice Admiral of the Coast Guard, certifying that a seaman's document was, pursuant to certain court order, issued to you, Rudolf Kaunitz. Kindly look at this document and tell us under oath whether the facts recited there are true and correct to your knowledge.

(The witness conferred with his counsel.)

Mr. KAUNITZ. I refuse to answer on all the grounds previously stated, and the fifth amendment.

(Document marked "Kaunitz Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Are you this very instant a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I invoke the protection of the fifth amendment.

Mr. ARENS. That will conclude the staff interrogation of this witness, Mr. Chairman.

Do you want these documents back?

Mr. KAUNITZ. Yes.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. Yes.

Witness, referring back to the meeting of last Friday night at the Woodstock Hotel, you paid how much to get into the meeting?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Fifty cents.

Mr. SCHERER. There was a collection taken at the meeting. Did you contribute?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Yes, I did.

Mr. SCHERER. Do you recall how much you contributed?

Mr. KAUNITZ. One dollar.

Mr. SCHERER. Was it announced how much the Emergency Civil Liberties Committee was contributing to bring these youth to Washington? Was not that announcement made and then statements made in addition that more money was needed and therefore a collection was to be taken?

Mr. KAUNITZ. I don't recall that.

Mr. SCHERER. You do not recall that?

Mr. KAUNITZ. No.

Mr. SCHERER. What was said by the person who announced that the collection would be taken? What was said by that person?

(The witness conferred with his counsel.)

Mr. SCHERER. Right before you gave your additional dollar?

Mr. RABINOWITZ. There is a pending question. Can we get the question?

Mr. SCHERER. Yes. What announcement was made prior to the time that the collection was taken with reference to the collection and what it was to be used for?

(The witness conferred with his counsel.)

Mr. KAUNITZ. I didn't listen carefully. I believe, though, it was to further the work of the committee.

Mr. SCHERER. For the work of the committee?

Mr. KAUNITZ. That is right.

Mr. SCHERER. That is this youth committee?

Mr. KAUNITZ. That is correct.

Mr. SCHERER. There was nothing specifically stated that you recall as to what the money was to be used for?

Mr. KAUNITZ. No.

Mr. SCHERER. You do not recall?

Mr. KAUNITZ. No.

Mr. SCHERER. You do not recall hearing them say that this was to be used as a supplementary amount to the amount contributed by the Emergency Civil Liberties Committee to bring these youth to Washington on the buses today?

Mr. KAUNITZ. No.

Mr. SCHERER. You won't say that was not said?

Mr. KAUNITZ. No, I can't.

Mr. JOHANSEN. Mr. Chairman, I have one question.

Did you hear anyone at the Friday night meeting say that he hoped or she hoped or they hoped that the group coming to the hearings here this week would do at least as well as they did in San Francisco?

Mr. KAUNITZ. I—just one second.

(The witness conferred with his counsel.)

Mr. KAUNITZ. I was walking in and out of the meeting and I don't recall anybody saying that.

Mr. JOHANSEN. Nothing was said by Mr. Wilkinson on that score?

Mr. KAUNITZ. Not that I recall.

Mr. SCHERER. Did you hear Pete Goodman make a statement like that?

Mr. KAUNITZ. I pointed out before that I left the room when Pete was talking.

Mr. SCHERER. You left the room while Pete was talking?

Mr. JOHANSEN. Did you hear a young woman or a woman speaker say that?

Mr. KAUNITZ. As I pointed out before, I don't recall anybody saying that.

Mr. SCHERER. If you heard Pete Goodman's and Wilkinson's voices again, would you recognize them?

(The witness conferred with his counsel.)

Mr. KAUNITZ. Maybe.

Mr. DOYLE. Are there any other questions?

That is all, Mr. Arens.

Mr. ARENS. We have another witness whom we would like to hear, Mr. Chairman, but I want to call a name to see if another witness is present.

Is William Henry Thompson in the hearing room?

Are you William Henry Thompson?

Mr. THOMPSON. Yes.

Mr. ARENS. We just want to know you are here. I doubt we will be able to hear you this morning.

The next witness will be Mr. Louis Becker.

Mr. DOYLE. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BECKER. I do.

TESTIMONY OF LOUIS BECKER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. BECKER. My name is Louis Becker. I live at 71-23 Park Drive, East, Queens, New York City.

Mr. ARENS. And your occupation?

Mr. BECKER. Clerical worker.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. BECKER. I am.

Mr. ARENS. And you are represented by counsel?

Mr. BECKER. I am.

Mr. ARENS. Counsel, kindly identify yourself for the record.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Mr. Becker, have you been a recent litigant respecting issuance of seaman's papers?

(The witness conferred with his counsel.)

Mr. BECKER. Mr. Arens, I refuse to answer that question on the following grounds: By its own say-so here this morning, this committee is seeking to circumvent the decision of the Ninth Court of Appeals in *Parker v. Lester* in 1955, which court decision declared that screening, that is blacklisting, the merchant service was based on talebearers and whisperers and the men involved were denied due process of law, particularly confrontation.

Mr. DOYLE. Witness, we do not have time for you to make a speech. We will give you all the time you want to clearly state your reasons for not answering the question. Those are not constitutional grounds.

Those are arguments. We will have to limit you to constitutional grounds. We do not have time to listen to a speech.

Mr. BECKER. Mr. Chairman, you allowed Admiral Hirshfield to make a full statement here which he had prepared and I am not even reading a prepared statement, and you refuse to allow me to speak.

Mr. DOYLE. You are making a speech and I am only going to listen to you give your constitutional privileges.

Mr. BECKER. I am going to tell you what I think is the reason why I cannot, why I refuse to answer that question; and it will be based on constitutional grounds, Mr. Chairman.

Mr. DOYLE. Those are not constitutional reasons. Be brief as you decently can. We are not going to permit you to make a 30- or 40-minute speech here.

Mr. BECKER. Eighteen hundred men were screened out of the merchant service, denied the right to work, and you people are planning to institute a blacklist again, based on an illegal subversive list enacted by Truman without law, and which men were screened out of the service. Admiral Hirshfield here this morning spoke about, and the witness here this morning, the friendly witness, so called, spoke about courier service.

The entire screening program of the merchant marine was based on a political blacklist. Never was one man charged with being a conspirator and saboteur. Only political dissent. I take the first and fifth amendments of the Constitution—

Mr. DOYLE. Just a minute, Witness. I am not going to warn you more than once more. Give your constitutional reasons. Counsel, will you reason with your witness to be reasonable, if you can?

Mr. RABINOWITZ. All I can do is give advice. I can't testify.

Mr. DOYLE. All right, give him the advice.

Mr. BECKER. I take the first and fifth amendment on that question, fifth amendment to the Constitution.

(The witness conferred with his counsel.)

Mr. ARENS. How long have you been employed in your present occupation?

Mr. BECKER. Approximately 7 months.

Mr. ARENS. What was your employment prior to your present employment?

(The witness conferred with his counsel.)

Mr. BECKER. I had a series of clerical jobs over the past few years.

Mr. ARENS. Have you had any jobs over the course of the last few years other than these clerical jobs?

(The witness conferred with his counsel.)

Mr. BECKER. No.

Mr. ARENS. Have you been a seaman in the course of the last 5 years?

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on the grounds previously cited and particularly the fifth amendment to the Constitution.

Mr. ARENS. Do you propose to resume the occupation of seaman in the near future?

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on the same grounds of the fifth amendment to the Constitution.

Mr. ARENS. Do you presently have seaman's papers?

(The witness conferred with his counsel.)

Mr. BECKER. Would you kindly repeat the question?

Mr. ARENS. Do you propose to resume the occupation of seaman?

(The witness conferred with his counsel.)

Mr. BECKER. Mr. Chairman, I refuse to answer that question on the following grounds: You are carrying on a campaign to pass a law branding political dissent as illegal in American life.

Mr. SCHERER. No; we just want to get the Communists or agents of the Kremlin off the ships where they can subvert this Nation.

Mr. BECKER. You heard one of the friendly witnesses this morning speak about the dangers to American life in particular today. I believe Admiral Hirshfield. I say, yes, it is dangerous in American life to wipe out political dissent, to brand men who have differences of opinion as political dissenters as subversives and, therefore, still criticism of American policy abroad which is bringing us to the brink of war, such as the U-2 planes and keeping up regimes in Korea and Turkey.

Mr. DOYLE. Just a minute, please. We have been reasonable and let you make your explosive speeches and we are not dissenting with you. That is not what we are here for. We are here to find out the extent to which Communists are aboard the American ships or other ships plying between this country and other foreign countries.

Mr. BECKER. The concept——

Mr. DOYLE. If you know anything about that we would appreciate your telling us.

Mr. BECKER. The concept of political dissent, Mr. Chairman, is that people who are critical of foreign or domestic policy at any stage, and particularly today in American life, have the right or not the right to ask about the questions of the day, because the brink-of-war policies of this present administration and the national unity behind it endanger the very life of our children and our children's children.

Mr. DOYLE. If you keep that up I am going to order your statements stricken from the record so you won't be able to feed it to your public back there. Please stick to the reasonable procedure.

Mr. BECKER. The American public is very concerned with the fact that they have the right to criticize American political leaders without being branded by committees such as yours that are instigating a political witch hunt to cover up the political misdeeds of the right in America who would take us, if necessary, into a war even to maintain——

Mr. DOYLE. Just a minute.

Mr. ARENS. Are you ready for the next question?

Mr. BECKER. I have not finished my answer.

Mr. DOYLE. Hurry and finish it and give your constitutional grounds.

Mr. BECKER. My constitutional grounds are the first amendment to the Constitution, which allows me, equal with you, to have opinions about events of today, about the dangers of war, about the rights of nations to exist, about disarmament, and any other questions without being branded by witch hunters such as this committee. Also my constitutional right I invoke the fifth amendment to the Constitution.

Mr. ARENS. Now kindly tell this committee whether or not you are now, this instant, a member of that conspiratorial force known as the Communist Party.

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on the grounds of the first amendment to the Constitution, granting freedom of speech, and the fifth amendment to the Constitution, particularly the section on the possibility of self-incrimination.

Mr. ARENS. Mr. Becker, I want to display to you a certificate transmitted to this committee, identified this morning by the Vice Admiral of the Coast Guard as a certificate, a certification that certain documents were issued to you, Louis Becker, endorsed as an Ordinary Seaman-Messman (FH)—Fireman-Watertender-Oiler. Kindly look at this document and tell this committee whether or not the facts recited in there are, to your certain knowledge, true and correct.

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on my American constitutional grounds of free speech and the rights, that is, the first amendment and the right of self-incrimination of the fifth amendment.

(Document marked "Becker Exhibit No. 1" and retained in committee files.)

Mr. DOYLE. Very well.

Mr. ARENS. Did you happen by any chance to attend this meeting that Mr. Kaunitz described a few minutes ago, a meeting that was held in New York City at the Woodstock Hotel?

Mr. BECKER. In answer to that question, Mr. Arens, I take the first amendment, which I think even you know allows for freedom of assemblage, and the fifth amendment which allows for freedom from incrimination.

Mr. ARENS. Do you, sir, who now hold seaman's documents issued by this Government, have present information respecting current activities on ships and on the waterfront by persons known by you to be members of the Communist Party, which information you could now supply to your Government via this Committee on Un-American Activities?

Mr. BECKER. I refuse to answer that question on the grounds that I, as a citizen of the United States, can hold views, can think, can criticize—

Mr. SCHERER. We agree to that.

Mr. BECKER. Oh, you agree. You drove fire hoses at the youth out in Frisco who came and were not even being interrogated and wanted to see what you would do. You bloodied them up by the hundreds in Frisco. You seem to be proud of that today. I am wondering why you are so proud when the whole American people know of your misdeeds, your violence against the student youth of Frisco. You are a shame and disgrace to American democracy. I take the fifth amendment on that question, too.

Mr. DOYLE. Now, have you exploded enough?

Mr. ARENS. Mr. Becker, I thought perhaps you could be helpful to this committee in its consideration of legislation. There is pending before this committee a bill introduced by the chairman of the committee, H.R. 11580. Among other things, this bill provides that seaman's papers will not be issued to anyone who, when he appears and applies for a seaman's papers, declines to answer questions concerning three areas:

First, the membership of such individual or any other individual in the Communist Party.

Can you tell us now—we are going to try out these three points with you—whether or not you are presently a member of the Communist Party?

You see, under this bill that is pending if you appear before a Federal agency and do not answer these questions that I am going to ask you, you could not get seaman's papers like you presently have. So we are going to test this out now. Are you now a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on the grounds of the first amendment to the Constitution, granting freedom of speech and assemblage and religion. I refuse to answer that question on the grounds of due process of the fifth-amendment clause on due process and the fifth-amendment clause on due process, in particular, which the Court of Appeals in the Ninth Circuit Court in *Parker v. Lester* has upheld as the grounds why men should continue to work in spite of being vilified and denounced politically.

I take the fifth amendment, the clause in the fifth amendment on self-incrimination in regard to that question.

Mr. ARENS. The second provision of this bill on which we would like to have some information on the record: Anybody who applies for seaman's documents, such as the documents which you presently hold, cannot have those documents if he refuses to testify under oath respecting "the activities of such individual, or any other individual, as a member of the Communist Party."

Do you presently, sir, have information respecting the activities of a person currently known by you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. BECKER. I refuse to answer that question on the same constitutional grounds of the first amendment to the Constitution and the fifth amendment to the Constitution, particularly that section against self-incrimination.

Mr. ARENS. Now we want to try out the third provision of this bill: The bill provides that a person cannot have seaman's papers, such as the papers which you presently hold, if that person refuses to answer questions respecting—

the participation of such individual or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof.

Now I ask you, do you presently have information respecting activities conducted by, or under the direction of, the Communist Party?

Mr. BECKER. Mr. Chairman, this committee is trying to abrogate *Parker v. Lester*, *Graham v. Richmond*, and 11 court decisions which granted merchant seamen the right to sail without being vilified. It will not succeed because the whole concept of your proposed legislation is based on political, on outlawing political dissent in American life. The subversive list on your whole premise of screening was based, which put 1,800 men off their chosen profession, was a complete political blacklist in the best traditions of totalitarian states.

You are trying to institute it again in spite of the court decisions, the court decisions which have been adverse to your antidemocratic procedure. I take the fifth amendment in regard to that question, particularly that section on self-incrimination.

Mr. SCHERER. No, the purpose of this bill is not to keep off ships people who dissent. But to keep off ships agents of foreign powers who are loyal, as the witness said this morning, to the Soviet Union and not to the United States, and who would serve the cause of the Soviet Union at any time we should have a war with the Soviet Union. That is the purpose of the bill.

Mr. DOYLE. Thank you, Mr. Scherer. Anything else?

Mr. ARENS. Nothing else of this witness, if you please, Mr. Chairman.

Mr. DOYLE. Thank you, Witness.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. William Henry Thompson. Mr. Thompson, please come forward and remain standing while the chairman administers the oath.

Mr. DOYLE. Please raise your right hand. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMPSON. I do.

TESTIMONY OF WILLIAM (HENRY) THOMPSON

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. THOMPSON. William Thompson.

Mr. ARENS. Keep your voice up, please, sir.

Mr. THOMPSON. The name is William Thompson. I live in Baltimore. I am a seaman.

Mr. ARENS. You are a seaman?

Mr. THOMPSON. I was a seaman by occupation and by occupation I am a seaman.

Mr. ARENS. By occupation you are a seaman?

Mr. THOMPSON. Yes.

Mr. ARENS. Mr. Thompson, your appearance today is pursuant to a subpoena which was served upon you by this committee, is that correct?

Mr. THOMPSON. That is right.

Mr. ARENS. We observe you do not have counsel. That is correct, is it not?

Mr. THOMPSON. Yes.

Mr. ARENS. Do you understand, Mr. Thompson—and if you do not I so advise you—that you have, under the rules of this committee, the privilege of counsel.

Mr. THOMPSON. I would like to get counsel.

Mr. ARENS. You would like to get counsel?

Mr. THOMPSON. Yes.

Mr. ARENS. Do you have a counsel? You are from Baltimore.

Mr. THOMPSON. Yes.

Mr. ARENS. Do you have a counsel in Baltimore?

Mr. THOMPSON. I don't have one at the time, no.

Mr. ARENS. Do you know the counsel that was seated here with these other people? Maybe you would like to talk to him. Do you know Mr. Rabinowitz?

Mr. THOMPSON. No, sir. I would like to talk to him.

Mr. ARENS. He is here. I guess he has left. How long would it take to make arrangements with your counsel?

Mr. THOMPSON. I have no idea. I probably will be back tomorrow.

Mr. ARENS. Let us suggest to you that, if it is convenient and if you have a chance to confer with counsel and counsel so advises you, you come back tomorrow morning. I suggest that in any event, if it is agreeable with the chairman, that you report back here tomorrow morning at 10 o'clock when we resume. Is that agreeable, Mr. Chairman?

Mr. DOYLE. Do you understand that, Mr. Thompson?

Mr. THOMPSON. Yes, sir.

Mr. DOYLE. Come back with your lawyer.

Mr. THOMPSON. Yes, sir.

Mr. DOYLE. If you want a lawyer with you.

Mr. THOMPSON. Yes, sir.

Mr. DOYLE. I hope you will consult counsel even if you do not bring one with you. Thank you.

Mr. ARENS. Ten o'clock tomorrow morning, Mr. Chairman.

Mr. DOYLE. The committee will stand in recess until tomorrow morning at 10 o'clock in this room.

(Whereupon, at 12:35 p.m., the committee was recessed, to reconvene at 10 a.m., Tuesday, June 7, 1960.)

COMMUNIST ACTIVITIES AMONG SEAMEN AND ON WATERFRONT FACILITIES

PART 1

TUESDAY, JUNE 7, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to call, at 10 a.m., in the Caucus Room, House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Gordon H. Scherer, of Ohio; and August E. Johansen, of Michigan.

Staff members present: Richard Arens, staff director; William Margetich, investigator.

The CHAIRMAN. The committee will be in order.

Mr. Arens, will you call your first witness, please?

Mr. ARENS. If you please, Mr. Chairman, Loron Whitney Wardwell will please come forward and remain standing while the chairman administers the oath.

The CHAIRMAN. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WARDWELL. I do, sir.

TESTIMONY OF LORON WHITNEY WARDWELL

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. WARDWELL. Loron Whitney Wardwell, 503 Flint Street, Rochester, N.Y.

Mr. ARENS. And your occupation?

Mr. WARDWELL. Chef.

Mr. ARENS. Mr. Wardwell, can you give us, please, just a word about the career which you have pursued at sea, the years you served as a seaman?

Mr. WARDWELL. I was in the merchant marine from 1945 until 1953. At that time our union was taken over by the AFL and being a left-winger I was naturally kicked out of the union. I was unable to ship.

Mr. ARENS. In what capacity did you serve as a seaman during these several years?

Mr. WARDWELL. Chief steward, chief cook and second cook, and baker and butcher.

Mr. ARENS. Mr. Wardwell, have you ever been a member of the Communist Party?

Mr. WARDWELL. Yes. I joined around 1949, and I was active up until 1953.

Mr. ARENS. Have you since 1953 been continuing as an informant for your Government?

Mr. WARDWELL. I was an informant for the Government up until approximately 1954.

Mr. ARENS. During part of the time of your service in the Communist Party, were you ideologically in sympathy with the party? In other words, were you in truth and in fact in every degree a Communist?

Mr. WARDWELL. When I first joined, I believed in the ideals of the Communist Party until I saw a man beaten, and the philosophy and working was all wrong.

Mr. ARENS. When did you decide to disassociate from the Communist Party?

Mr. WARDWELL. In the summer of 1950.

Mr. ARENS. Did you shortly thereafter continue in the Communist Party at the behest and in cooperation with the Federal Bureau of Investigation.

Mr. WARDWELL. Yes, sir.

Mr. ARENS. How long did you serve at the behest of the Federal Bureau of Investigation in the Communist Party?

Mr. WARDWELL. Approximately 4 years.

Mr. ARENS. As far as the Communist Party itself is concerned, it does not know but what you are presently a Communist, is that correct.

Mr. WARDWELL. That is right. I have never been expelled.

Mr. ARENS. The first information the Communist Party, as such, has that you are now an informant for your Government is the fact that you are presently, at this instant, testifying before the Committee on Un-American Activities, is that correct?

Mr. WARDWELL. That is right.

Mr. ARENS. Give us, if you please, sir, just a sketch of your career in the Communist Party, the highlights of your career in the Communist Party, where you served, in what unit, and what you did.

Mr. WARDWELL. I was in the Waterfront Section of the Communist Party. Our job was to take complete control of unions, various committees, to disrupt various organizations and to, I would say, create havoc on the waterfront.

Mr. ARENS. Did you, during your career as a Communist in the seamen's activities, participate in the distribution of Communist propaganda, Communist literature, aboard vessels?

Mr. WARDWELL. On every ship I was on I was given various literature as well as other comrades.

Mr. ARENS. This was Communist propaganda?

Mr. WARDWELL. Definitely.

Mr. ARENS. Did you acquire information respecting techniques used by Communists in acquiring seamen's papers?

Mr. WARDWELL. Yes, sir.

Mr. ARENS. Can you tell us about that, please?

Mr. WARDWELL. It is common knowledge that seamen's papers are very easily acquired as long as you have one or two comrades that

are in the higher units of your union. They are given letters to various comrades and sent to the Coast Guard, and thereby issued seamen's papers. Then they are able to ship out.

Mr. ARENS. Tell us, based upon your background and experience in the Communist Party engaged in Communist activities among seamen and on vessels, and based on your experience since then as an informant for the Federal Bureau of Investigation serving in the Communist Party, how serious is it to the internal security of this Nation for Communists to have access to merchant vessels and port facilities?

Mr. WARDWELL. I would say extremely serious.

Mr. ARENS. Why?

Mr. WARDWELL. For the simple reason they can tie up an entire waterfront as was seen in the past by Harry Bridges. They also can serve as a perfect front for courier service to Europe and the Far East at any time.

Mr. ARENS. Mr. Wardwell, did you during the course of your experience in the Communist Party serving in seamen's activities have any direct contact with Bridges' union, the ILWU, or its officers?

Mr. WARDWELL. We worked in conjunction with a few ILWU men out of Los Angeles, and also out of Frisco.

Mr. ARENS. In what capacity did you serve?

Mr. WARDWELL. Well, at one time I was a partial organizer for the ILWU stewards department when they were trying to organize our union so that the AFL would not take it in 1950, 1951, and 1952.

Mr. ARENS. Did you at any time serve as a bodyguard to any of the officials of ILWU?

Mr. WARDWELL. Not of the ILWU, but of the Benjamin Davis and various East Coast—

Mr. ARENS. Who was Ben Davis?

Mr. WARDWELL. I think he was a city councilman of the city of New York. At the time he was on trial he was running for election as city councilman from Harlem, New York. There was various progressives from the water tenders, as well as the National Union of Marine Cooks and Stewards who was designated and a few members of the National Maritime Union—we were designated to 2 East 125th Street, at that time the Harlem Trade Union Council. It was upstairs on the corner of Park Avenue and 125th.

Mr. ARENS. During the course of your service in the Communist Party, engaged in activities among seamen, did you know to a certainty as a member of the Communist Party certain other seamen?

Mr. WARDWELL. I have met, I would say, well over two or three hundred.

Mr. ARENS. Are these persons who were known to you because of Communist techniques, Communist connections, members of the Communist Party?

Mr. WARDWELL. Yes.

Mr. ARENS. Did you serve in closed Communist Party meetings with these people?

Mr. WARDWELL. Yes, sir.

Mr. ARENS. Did you know in Communist activities as a member of the Communist Party Bob Martin?

Mr. WARDWELL. Bob Martin, yes, sir. He was one that partially recruited me along with Harry Lawrence, who is now deceased.

Mr. ARENS. Give us a word about Bob Martin. What did he do as a Communist Party member?

Mr. WARDWELL. He was an ex-patrolman out of New Orleans as a member of the National Maritime Union. He was a minor official until he was ousted. He continued by handing out various propaganda leaflets. We held our meetings with Bob being head of the party in New Orleans of the Waterfront Section.

Mr. ARENS. Did you know, as a member of the Communist Party engaged in seamen's activities, Martin Rivera?

Mr. WARDWELL. Martin Rivera, I met him in New York, also in New Orleans. Later he served as an acting patrolman in the Marine Cooks and Stewards at 48 Liberty Street, New York City.

Mr. ARENS. Did you know him during the period of time you were identified ideologically with the Communist Party, or did you know him in the period in which you were serving in the Communist Party as an informer for the Federal Bureau of Investigation?

Mr. WARDWELL. I knew him as a comrade before I was an informant for the FBI. I met him in New Orleans at one meeting on South Rampart Street.

Mr. ARENS. Now, Mr. Wardwell, I would like to ask you this question: It is frequently said by the Communists and the dupes of the Communists that people serving their government as informants are somehow being subsidized to give false information. They are what the Communists call stool pigeons, that they are paid fabulous sums to smear people. Can you give us just a word about the nature of the compensation which you received when you sacrificially served your Government in the Communist Party?

Mr. WARDWELL. I make approximately on my own job 20 to 25 dollars a day. I am compensated \$9 a day for being here. I lose approximately \$15.

Mr. ARENS. You are speaking of your witness fee to appear here today?

Mr. WARDWELL. That is right.

Mr. ARENS. I am asking you now the nature of the compensation you received when you served in the Communist Party at the behest of the Federal Bureau of Investigation.

Mr. WARDWELL. Nothing.

Mr. ARENS. You received not a dime; is that correct?

Mr. WARDWELL. I have lost well over \$15,000.

Mr. ARENS. The most you received was nominal expense money; is that correct?

Mr. WARDWELL. When I donated a hundred dollars to the party, the FBI gave me back approximately half.

Mr. ARENS. You did not during the course of your many years' service in this conspiratorial force at the behest of your Government receive one cent; is that correct?

Mr. WARDWELL. No, sir.

Mr. ARENS. From the Federal Bureau of Investigation?

Mr. WARDWELL. Not one dime.

Mr. SCHERER. You said it cost you how much to do this work?

Mr. WARDWELL. I donated at the end of each trip part of my salary, and sometimes the funds were so high that the Government could not possibly give it back to me.

Mr. SCHERER. You donated part of your salary to whom?

Mr. WARDWELL. The Communist Party.

Mr. SCHERER. While you were acting as an informant for the Bureau?

Mr. WARDWELL. That is right.

Mr. SCHERER. And the Bureau only on one occasion reimbursed you for part of one contribution?

Mr. WARDWELL. That is right, sir. It was one time I donated approximately \$500 to the party for helping this person settle out of court, and I was reimbursed approximately \$100, I think.

Mr. ARENS. In other words, your service to your Government in this conspiratorial force not only cost you your time and your energy and your work, but cost you money from your own pocket; is that correct?

Mr. WARDWELL. That is right. I received nothing from the Government.

Mr. ARENS. Did you know, while you were a member of the Communist Party engaged in Communist activities in seamen's work, a man by the name of Al Thibodeaux?

Mr. WARDWELL. I met Comrade Thibodeaux in San Francisco, and he was acting patrolman. I was very active with him on the National Negro Labor Council on which he asked me to get off the ship to work with him on it. I compiled a marine list from the Civil Rights Congress, myself, and I mailed various literature to the National Negro Labor Council, which took me approximately 10 days.

Mr. ARENS. Did you know as a member of the Communist Party Nathan Jacobson?

Mr. WARDWELL. Yes. He was the agent in San Francisco and I attended many meetings with him.

Mr. ARENS. Did you know as a member of the Communist Party Ray Crawford?

Mr. WARDWELL. Yes. I shipped out once with him. I was also with him in the YPA and also at various Communist meetings.

Mr. ARENS. Did you know, as a member of the Communist Party, Don Watson?

Mr. WARDWELL. Yes, I worked with him on various committees. I met him at various party meetings in New York.

Mr. ARENS. These were closed party meetings?

Mr. WARDWELL. Yes.

Mr. ARENS. Did you know in like manner as a member of the Communist Party, Peter Mendelsohn?

Mr. WARDWELL. Yes. I worked with Mendelsohn on various committee meetings.

Mr. ARENS. Did you know as a member of the Communist Party Pat F. Tobin?

Mr. WARDWELL. I met him in the hall in New York in the Communist Party headquarters for the Waterfront Section. I also was with him at a party they had for him at the People's World at San Francisco.

Mr. ARENS. Did you know in like manner as a member of the Communist Party, Clarence E. Johanson?

Mr. WARDWELL. Yes, I worked close with Johanson in New York. We attended one Communist meeting at his home at Central Park West. I worked with him approximately for a year.

Mr. ARENS. To your certain knowledge are these persons whom you have just identified as persons known by you to be members of the Communist Party, persons who presently hold, or in the recent past have held, seamen's papers?

Mr. WARDWELL. Definitely.

Mr. ARENS. The man who is to succeed you at the witness stand, Mr. Wardwell, is a man by the name of Peter Goodman. He is under subpoena to appear before this committee and we expect to call him as soon as you are excused from the witness chair. Do you know Peter Goodman as a member of the Communist Party?

Mr. WARDWELL. Yes. I worked with him on various occasions. I also attended meetings with him at the Waterfront Section of the Communist Party on 8th Avenue and 25th Street. Pete, as well as myself, and one or two other comrades would hold a few little caucus meetings with comrades in New York at the union hall until we were stopped by the union agent.

Mr. ARENS. Did you receive any directive by the man who is to succeed you at the witness chair, Peter Goodman?

Mr. WARDWELL. Back in 1954, I wanted to try to get active for the Government, and I met him, I called him up and met him, at Central Park West, at 59th Street. I was told at the time to remain as I was. That if they had anything for me, they would let me know.

Mr. ARENS. Mr. Chairman, this witness has been in session with the staff, as the chairman knows, over the course of the last few months. He has given us considerable information on matters that are not particularly germane to the subject matter which the committee has under consideration at the present time. Therefore, I would respectfully suggest that he has now covered the items which we had in mind.

The other information is available to the committee. It would not be fruitful for us to pursue with him other areas of inquiry. Therefore, I would suggest that this would conclude the staff interrogation of this witness.

The CHAIRMAN. May I ask whether or not the people whose names were mentioned as being members of the Communist Party and seamen, were screened under the procedure stricken down by the Supreme Court?

Mr. ARENS. Yes, sir, and they have seamen's papers back now.

The CHAIRMAN. The papers were reinstated as the result of this decision?

Mr. ARENS. Yes, sir. You will see, I believe, Mr. Chairman, from the very next witness who has just now been identified by this witness, a certification by the Coast Guard that this man who is to succeed Mr. Wardwell on the witness stand presently has seaman's papers.

The CHAIRMAN. How many seamen were reinstated to their positions as the result of the Supreme Court decision?

Mr. ARENS. Approximately 300. There are approximately 1,800 seamen in a denial status whom the Coast Guard has told us it will be unable to deny in view of the decision. They will be obliged to issue papers to these seamen.

The CHAIRMAN. What percentage of the 1,800 would be ineligible for work if the legislation under consideration was enacted?

Mr. ARENS. All of them.

The CHAIRMAN. In other words, there are about 2,100 seamen who have either been reinstated to their positions or can be reinstated as

the result of the Supreme Court decision which struck down the Coast Guard procedures.

Mr. ARENS. Yes.

The CHAIRMAN. Are there any questions?

Mr. JOHANSEN. I want to ask you a question which we have had answered many times in these hearings, but I would like it both in the record and for the benefit of some of the young people that are in this room. On the basis of your knowledge gained as a believing member of the Communist Party and as an informant for the Government, to whom does the loyalty of the Communist go? Is it to the United States, or to whom does it go?

Mr. WARDWELL. I would say to Russia.

Mr. JOHANSEN. In other words, the overriding loyalty of the member of the Communist Party must be to the Soviet Union and to international communism.

Mr. WARDWELL. Yes, sir.

Mr. JOHANSEN. Thank you.

The CHAIRMAN. I want to thank you, and I am sure I am expressing the sentiments of all of the members of the Congress who are concerned with the security of the United States, for your contribution in this very unpleasant task that we have. We have had under consideration legislation which is designed to protect the security of the United States in certain fields. Your testimony here is a very significant contribution to our work in that field, and I repeat, we are deeply indebted to you. Thank you very much. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Peter Goodman. Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Will you raise your right hand? Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOODMAN. I do.

TESTIMONY OF PETER GOODMAN, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GOODMAN. Peter Goodman, 2707 Sedgwick Avenue, New York.

Mr. ARENS. And your occupation, please, sir?

Mr. GOODMAN. Plastic mold maker.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. GOODMAN. I am.

Mr. ARENS. And you are represented by counsel?

Mr. GOODMAN. I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Mr. Goodman, do you have any occupation other than the occupation which you have just announced as a plastic mold maker?

Mr. GOODMAN. No.

Mr. ARENS. Have you in the recent past had another occupation?

(Witness consulted his counsel.)

Mr. GOODMAN. No.

Mr. ARENS. Do you hold seaman's papers authorizing you as a deck engineer, machinist, fireman, and oiler to sail on U.S. merchant marine vessels?

Mr. GOODMAN. I must refuse to answer this on the grounds of the fifth amendment.

Mr. ARENS. Why?

(Witness consulted his counsel.)

Mr. GOODMAN. I refuse to testify against myself.

Mr. ARENS. How long have you been engaged in your present occupation?

Mr. GOODMAN. About 5 years.

Mr. ARENS. What was your occupation immediately preceding your present occupation?

Mr. GOODMAN. I was unemployed for a good period of time.

Mr. ARENS. What other occupation did you have prior to your present occupation in the course of the last several years?

(Witness consulted his counsel.)

Mr. GOODMAN. I must refuse to answer that on previous grounds.

Mr. SCHERER. It is not clear, Witness, whether you are refusing to answer on the basis of the fifth amendment. Are you refusing to answer by reason of the self-incrimination provision of the fifth amendment?

Mr. GOODMAN. That is right.

Mr. ARENS. Do you have arrangements consummated pursuant to which you will shortly resume as a seaman?

(Witness consulted his counsel.)

Mr. GOODMAN. I must refuse to answer that also.

Mr. ARENS. I display to you a copy of a certificate received by this committee and identified on this record by the United States Coast Guard, certifying that you, Peter Goodman, hold and were issued documents as a seaman, deck engineer, machinist, fireman, and oiler on February 19, 1957, at New York. Kindly look at this document and tell this committee whether or not the facts recited therein are to your certain knowledge true and correct.

(Document handed to witness.)

(Witness consulted his counsel.)

Mr. GOODMAN. I stand on my constitutional grounds on this also.

(Document marked "Goodman Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you honestly apprehend if you told this committee truthfully whether or not the document which I have just displayed to you is true and factual you would be supplying information that might be used against you in a criminal proceeding?

Mr. GOODMAN. I am not fearful of anything being used against me having broken no laws. But in this day and age anyone can be subject to unjust prosecution which perhaps should be called persecution, and if in the long run I might be vindicated, nevertheless a poor man cannot afford years of litigation. I must stand on my constitutional grounds.

(At this point the chairman left the hearing room.)

Mr. SCHERER (presiding). Pardon me just a minute. In view of your answer, I direct you to answer the question.

Mr. GOODMAN. I stand on my constitutional grounds.

Mr. SCHERER. Let me say in the opinion of the Chair you have improperly invoked the fifth amendment, because you have said you committed no illegal act. You said your refusal to answer is because you fear an unjust prosecution. That is not a sufficient reason for the invocation of the fifth amendment, and therefore it is the opinion of the Chair that you have improperly invoked the fifth amendment, and I direct you to answer the question.

(Witness consulted his counsel.)

Mr. GOODMAN. I must decline to answer the question on the grounds of the fifth amendment.

Mr. SCHERER. Proceed with the next question.

Mr. ARENS. Do you know the gentleman who preceded you to the witness stand?

(Witness consulted his counsel.)

Mr. ARENS. Mr. Loron Whitney Wardwell.

Mr. GOODMAN. I refuse to answer that question, sir.

Mr. SCHERER. Just a minute. He said he refuses to answer. I direct you to answer the question.

Mr. GOODMAN. On the constitutional grounds I would refuse to answer that.

Mr. ARENS. Mr. Wardwell testified a few moments ago that over the course of many years he was ideologically in sympathy with the Communist Party and was a member of the Communist Party. Thereafter he broke with the Communist Party realizing the treacherous nature of the operation, and then for many years, up until the moment of his testimony, he served as a member of the Communist Party at the behest and in cooperation with the Federal Bureau of Investigation. During the course of his testimony several moments ago he swore that while he was a member of the Communist Party, he knew you to a certainty, sir, as a member of the Communist Party. That is a pretty serious thing to say about a man, that he is a member of a traitorous outfit dedicated to the destruction of this Government. That is part and parcel of an international conspiracy which has thus far decimated millions and millions of people and threatens freedom and liberty everywhere.

We would like, sir, to give you an opportunity, while you are under oath, not while you are making a speech out in public, but while you are under oath, to deny the truth of that testimony by Mr. Wardwell.

Do you, sir, now care to avail yourself of that opportunity?

(Witness consulted his counsel.)

Mr. GOODMAN. I can't be responsible for the psychopaths and what else you can dig up, and there are enough of them, and what testimony you can get out of these people is your business and the business of the previous witness. I have nothing to do with the testimony given by him and I refuse to answer that long-winded question of yours on the ground of the fifth amendment.

Mr. ARENS. Was he telling the truth—

Mr. SCHERER. Just a minute. The previous witness you referred to as a psychopath; is that right?

(Witness consulted his counsel.)

Mr. GOODMAN. I believe that is what I said.

Mr. SCHERER. Whether he is a psychopath or not, is what he said about you true or untrue?

(Witness consulted his counsel.)

Mr. GOODMAN. I would refuse to answer that, sir.

Mr. SCHERER. I direct you to answer the question.

(Witness consulted his counsel.)

Mr. GOODMAN. I stand on my constitutional grounds afforded me by the fifth amendment to the Constitution.

Mr. ARENS. You recognize that you are presently under oath, do you not?

Mr. GOODMAN. Yes.

Mr. ARENS. Would you kindly respond to the question?

Mr. GOODMAN. Yes, I am under oath.

Mr. ARENS. You recognize that if you tell a deliberate mistruth to this committee you can be prosecuted for perjury, do you not?

Mr. GOODMAN. Yes.

Mr. ARENS. You recognize that as soon as you are released from your subpoena, from testifying here before this committee, you can step out in that hall or step back to these youngsters and you can say, "Of course I am not a member of the Communist Party. Of course I have never been a member of the Communist Party," and then be free from any pains and penalties of perjury. Do you recognize that fact?

Mr. GOODMAN. Yes.

Mr. ARENS. Is it your present intention, sir, after you are released from testifying before this committee and correspondingly released from the pains and penalties of perjury, to announce to the young people whom the Communists have stimulated to form the group known as the Youth To Abolish the House Un-American Activities Committee that you are not or have never been a member of the Communist Party?

(Witness consulted his counsel.)

Mr. GOODMAN. I have no intentions of doing anything of the sort.

Mr. SCHERER. Counsel, just a minute. In connection with these last questions suggested by our counsel, Witness, isn't it a fact that just on last Friday night you represented to this group in the ballroom of the Woodstock Hotel in New York City, represented to this so-called Youth To Abolish the House Un-American Activities Committee, that you were not a member of the Communist Party? Isn't that a fact?

(Witness consulted his counsel.)

Mr. GOODMAN. I refuse to answer that outlandish question on the basis of the fifth amendment.

Mr. SCHERER. You don't deny that you attended that meeting, do you?

Mr. GOODMAN. I refuse to answer that, sir.

Mr. SCHERER. You don't deny that you addressed that group along with a number of other well-known Communists, do you?

Mr. GOODMAN. I believe that the first and fifth amendments of the Constitution make that question out of order.

Mr. SCHERER. I direct you to answer the question.

Mr. GOODMAN. I refuse to.

Mr. SCHERER. I still direct you.

Mr. GOODMAN. On the basis of the fifth amendment, I refuse to. The goings and comings of my life are my own business.

Mr. SCHERER. Isn't it a fact that you told the people assembled at that meeting, the young people, that you hoped their demonstrations here in Washington would exceed those that took place in San Francisco before this committee?

Mr. GOODMAN. Well, that would be impossible. I don't see any fire hoses here. But the fact of the matter is that I would refuse to answer any questions along the lines that you are now traveling.

Mr. SCHERER. You deny that you made that statement?

Mr. GOODMAN. I don't deny anything. I refuse to answer the question.

Mr. SCHERER. Would you recognize your own voice if you heard it?

Mr. GOODMAN. I don't know. I never listen to my own voice.

Mr. ARENS. Mr. Goodman, do you have something which you would like to say for the benefit of Congressman Walter, the chairman of this committee, during this session today now?

Mr. GOODMAN. Is Mr. Congressman Walter present?

Mr. ARENS. Do you have something to say on this record for the benefit of Congressman Walter?

Mr. GOODMAN. I have no prepared statement.

Mr. ARENS. I would like to read you an excerpt from your address that you made last Friday night at the Woodstock Hotel:

Congressman Walter will be a little better educated after next week is over. I have an idea that he's going to be a little sorry he called us, although after hearing what took place in San Francisco, with tongue in cheek, may we do as well.

Are those statements true and correct reproductions of statements made by yourself at the meeting at the Woodstock Hotel of the Youth to Abolish the House Un-American Activities Committee, on Friday, June 3, at 8:30 p.m.?

Mr. GOODMAN. My memory is not that good. I would have to refuse that question on the fifth amendment.

Mr. SCHERER. Just a minute, Counsel. I direct you to answer that question. If your memory is not that good, how can you refuse to answer it on the grounds it might tend to incriminate you? Therefore, I direct you to answer the question because you have said you are refusing on the basis that you don't remember what you said, and therefore your invocation of the fifth amendment is highly improper.

(Witness consulted his counsel.)

Mr. GOODMAN. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Now let me read to you, to refresh your recollection, if possible, certain excerpts from your address:

Some of us who have carried this fight over a period of time have learned not to stand in the way of history. We expect to get ourselves back into the industry—reestablish ourselves—and in the long run I think that the maritime industry is meant to be one of the militant sparkplugs of the labor movement as it was in time gone by.

Did you make those statements in your address before the Youth to Abolish the House Un-American Activities Committee last Friday in New York?

Mr. GOODMAN. I would refuse to answer that, sir.

Mr. ARENS. Did you reveal to the youth that you were at the time you made those statements a hard-core conspirator of the Communist Party?

Mr. GOODMAN. I refuse to answer that.

Mr. JOHANSEN. Mr. Chairman, I ask that the Chair direct him to answer that.

Mr. SCHERER. Yes. I direct you to answer the question.

Mr. GOODMAN. The first and fifth amendments of the Constitution make it clear that I don't have to answer that question.

Mr. SCHERER. All right, as long as you are invoking the fifth amendment, you don't have to answer.

Mr. ARENS. I should like to read to you, for the purpose of refreshing your recollection, some more excerpts from your address last Friday night:

What I will tell you tonight I am sure you won't find unique. It's been much too common an occurrence on what we call the American scene, although it has been slightly reversed—that we were tagged as poor security risks many years ago and now we are being called by Walter for an interview, so-called.

The story of screening that started in 1950 (we seamen prefer to call it a blacklist), * * *. In 1950 there was a very simple and innocuous little law passed, sponsored by Senator Magnuson of the State of Washington, which simply said that the waterfront bill * * * to sterilize the maritime industry of any obscene or unpopular politics. Two thousand seamen and longshoremen today, maritime workers, from the industry, have been relegated to unemployment. I notice also that Jimmy Roosevelt in his remarks speaks about the committee relegating people to unemployment. I could cite numerous examples of the un-American activities of the industry, but it just so happens that the shipowners are doing it. Congressman Walter will be a little better educated after next week is over. I have an idea that he's going to be a little sorry he called us although after hearing what took place in San Francisco, with tongue in cheek, may we do as well.

The one last point I would like to make, and this is sort of looking back at open hearings that the Coast Guard held when they started the screening machine, all interested people came down. They expressed their viewpoints on the proposals and a number of us were down there on a couple of things—thoroughly vocally expressing our disapproval of it. There were some of us there philosophically saying to the Coast Guard Admiral sitting on the big dais, "Don't look so solemnly—don't look down at this group of rank and filers." I seem to recall in 1936 a group of rank and filers were down here on some hearing speaking and they found themselves in opposition to some of the union officials that were here that day—however, time went by and that group of rank and filers who were here in 1936 are now the union officials. So don't look at this group of rank and filers like that—history has a way of repeating itself. Some of us who have carried this fight over a period of time have learned not to stand in the way of history. We expect to get ourselves back into the industry—reestablish ourselves—and in the long run I think that the maritime industry is meant to be one of the militant sparkplugs of the labor movement as it was in time gone by. And if some of you would like to see just how this happens in Washington, I understand there are facilities for viewing it, and for my part, you are all welcome.

Now, sir, is that a true and correct reproduction of the statement made by yourself?

Mr. GOODMAN. Wouldn't it save time to have the recording?

Mr. ARENS. Made by yourself in New York City in an address before the Youth to Abolish the House Un-American Activities Committee last Friday night?

Mr. GOODMAN. I think it would simplify things if you played the tape recording that you claim you have.

Mr. ARENS. How do you know we have a tape recording?

Mr. GOODMAN. You just said so before.

Mr. ARENS. Is this a true and correct reproduction of your statement?

Mr. GOODMAN. On the grounds of the first and fifth amendments which say that my goings and comings are my own business, I don't have to answer that question.

Mr. ARENS. Tell this committee do you honestly apprehend if you told the world in this public session whether or not this is a true reproduction of your statements last Friday night you would be supplying information which could be used against you in a criminal proceeding?

Mr. GOODMAN. I have stated before and I will state again that it can be subject to unjust prosecution which in reality is persecution, and if the courts would vindicate me in many years of litigation, a poor man cannot afford many years of litigation. I must stand on my constitutional guarantees and safeties. That is the first and fifth amendments.

Mr. SCHERER. Just a minute. The committee does not accept this answer because it feels it is an improper invocation of the fifth amendment, and therefore directs the witness to answer the question propounded by the counsel.

Mr. GOODMAN. I refuse to answer the question on the grounds of the first and fifth amendments. I refuse to answer the question.

Mr. ARENS. Mr. Witness, there is pending before this committee some legislation. We are very happy to have you here because we think your testimony will help us consider this legislation. It appears on this record that there were a number of conspirators, agents of a foreign power, who were screened off of merchant vessels by the Coast Guard. Thereafter, because of a series of judicial opinions, the Coast Guard has now been forced to reissue seamen's papers to a number of these Communists. Following a series of decisions which interpreted a California code enabling the California authorities to attempt to preclude from employment Communists in the State government, Congressman Walter, the chairman of this committee, introduced a bill, H.R. 11580, which is pending before this committee. This bill provides that if a person who seeks seaman's papers is subpoenaed before the Coast Guard or other Federal agencies, and interrogated and refuses to answer certain questions, that individual cannot be issued seaman's papers.

We want to test this out with you and see how it would work for the benefit of the committee and the benefit of the record. This bill provides, and I am reading now from section 3B—I assume that your appearance will do just what you said at the meeting, help educate the committee—section 3B provides: "No individual who willfully fails or refuses to appear before any Federal agency, when subpoenaed or ordered to appear, or to answer under oath before such Federal agency any question" concerning three items, shall be issued seamen's papers.

I am going to ask you those three questions.

Mr. Goodman, are you a member of the Communist Party? Please answer that question. Under this bill, if enacted into law, you can't get seaman's papers if you don't answer that question. Please answer that question. Are you a member of the Communist Party?

Mr. GOODMAN. The fact of the matter is that the bill is not a law yet.

Mr. ARENS. Let us assume we are considering this bill, which the committee is considering. I am going to read you part of the bill in the form of a question. Are you, Mr. Goodman, a member of the Communist Party? Please answer that question.

Mr. GOODMAN. You are not new at this. There have been attempts to silence and screen workers in many industries for many years. I am not very old but I can read history books. I recall the industrial pass court of 1884 where no worker can work without one, as well as yellow-dog contracts in the twenties, as well as the famous or infamous Cope-land-Fink book which was burned in a bonfire here in Washington in 1937, as well as the screening procedure set up in 1950. If you are about to now try to reverse court decisions, well you can try. However, there are still courts to reaffirm constitutional guarantees. If in the past few years the courts have reaffirmed the Constitution and safeguards and guarantees that have been trampled on in the past 10 years by the late unlamented McCarthy, who I think was the political godfather of this committee—but that question that you ask will never be answered by me. The Constitution says I don't have to answer such a question. If I am brought down here to testify for legislative purposes, then we are going to go on to look over the legislation. You are not going to drag myself around in this.

Mr. SCHERER. Just a minute, Witness. The Constitution does not say you don't have to answer it. It gives you the privilege of refusing to answer on the ground that it might incriminate you.

Mr. GOODMAN. The Constitution says I don't have to testify against myself, and I would agree with it.

Mr. SCHERER. I direct you to answer the question.

Mr. GOODMAN. I would refuse to answer such questions, on the grounds of the fifth amendment.

Mr. SCHERER. Now, Witness, in your last speech you said you are not so old. I am interested in finding out just how old you are, in view of your appearance before that youth committee. How old are you?

Mr. GOODMAN. If all the documents you have there don't tell you that, I was born in 1921.

Mr. ARENS. Now, I would like to pursue the consideration of the language of the bill. The second provision of this bill precludes the issuance of seaman's papers to any person who when duly subpoenaed before a Federal agency refuses to answer questions about "the activities of such individual, or any other individual, as a member of the Communist Party."

So I now ask you, Mr. Goodman, do you presently have information respecting the activities of a person known by you to be a member of the Communist Party?

Mr. GOODMAN. In simplified language that means I am supposed to be an informer or stool pigeon.

Mr. ARENS. Mr. Chairman, I respectfully ask that the witness be directed to answer the question.

Mr. GOODMAN. I refuse to answer on the same grounds of the fifth and first amendments.

Mr. ARENS. I would like to pursue this legislation a little bit further in light of your statement last Friday that Congressman Walter will be a little better educated after you get down here.

The third provision of the bill precludes the issuance of seaman's papers to a person who refuses to testify when duly subpoenaed respecting "the participation of such individual, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof."

Now I ask you, sir, do you presently have information respecting activities conducted by or under the direction of the Communist Party?

Mr. GOODMAN. I would refuse to answer that question on the constitutional guarantees of the first and fifth amendments.

Mr. ARENS. Then is the record clear, Mr. Goodman, and do you understand in your process here of educating the committee as you said you were going to do, that if this bill were law, and if you responded to these three questions in the same manner that you have responded to these questions now before this committee, you would not be able to have the seaman's papers which the Coast Guard certifies have been issued to you? Do you understand that?

(Witness consulted his counsel.)

Mr. SCHERER. Issued to him only because of the decision of the Supreme Court, which said that the Coast Guard had not been given the proper authority to do the screening job that they were doing.

Mr. GOODMAN. Would you repeat the question?

Mr. ARENS. At this meeting Friday night, was Frank Wilkinson in attendance?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Do you know Frank Wilkinson?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Did you hear Frank Wilkinson give his talk?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Did you hear Frank Wilkinson describe to the youth present what happened in San Francisco?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Frank Wilkinson is an international Communist agent, is he not?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. You did not hear Frank Wilkinson in his address announce to the young people assembled that he was then an international Communist agent, did you?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Did Frank Wilkinson accompany the young people who were sent from New York City down here?

Mr. GOODMAN. First and fifth amendment. Since you have so much information on that meeting, you should know more about it than me.

Mr. ARENS. Have you, since you received your subpoena to appear before this committee today, been in conference respecting your testimony with a person or persons known by you to be members of the Communist Party?

Mr. GOODMAN. First and fifth amendment. Who I speak to is my business and no one else's but my business.

Mr. ARENS. If you are in conference and in concert, sir, with members of that conspiratorial force known as the Communist Party which is dedicated to the overthrow of this Government by force and violence, that act is the concern of this committee.

Now, sir, have you been a recent litigant in the courts respecting your seaman's status?

(Witness consulted his counsel.)

Mr. GOODMAN. First and fifth amendment.

Mr. SCHERER. I direct you to answer that question.

Mr. GOODMAN. I would refuse to on the constitutional grounds.

Mr. SCHERER. Let the record show the committee does not accept this answer. There is no possible way that the answer to that question could incriminate him.

Mr. RABINOWITZ. Just a moment.

Mr. SCHERER. The litigation is now terminated.

(Witness consulted his counsel.)

Mr. GOODMAN. Will you please repeat the question?

Mr. ARENS. Yes. Have you been a recent litigant in the courts respecting your status as a seaman?

Mr. GOODMAN. A litigant? No.

Mr. ARENS. Have you been a member or are you a member of the so-called Seamen's Defense Committee?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Are you or have you been secretary of the Maritime Labor Committee to Defend Al Lannon?

(Witness consulted his counsel.)

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Are you a member or have you been a member of the Trade Union Committee to Repeal the Smith Act?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Have you ever received a United States passport?

(Witness consulted his counsel.)

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Have you ever traveled abroad?

(Witness consulted his counsel.)

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. When did you last leave the continental United States?

Mr. GOODMAN. First and fifth amendment.

Mr. ARENS. Do you, sir, at this instant have information respecting the operation and machinations of the Communist Party on board merchant vessels flying the American flag, which information you can, if you would do so, now supply to our Government via this committee?

Mr. GOODMAN. First and fifth amendments.

Mr. ARENS. Who is Miss Miller, who was one of the presiding officers last Friday?

Mr. GOODMAN. Pardon?

Mr. ARENS. Miss Miller, who is she? Do you know her? She was presiding last Friday night.

Mr. GOODMAN. First and fifth amendments.

Mr. ARENS. Who was the presiding officer last Friday night?

Mr. GOODMAN. First and fifth amendments.

Mr. SCHERER. Who introduced you when you spoke?

Mr. GOODMAN. First and fifth amendment.

Mr. SCHERER. Isn't it a fact that it was Miss Miller?

Mr. GOODMAN. It was the first and fifth amendments of the Constitution that said my goings and comings are my own business and not the proper business of any legislative committee.

Mr. SCHERER. The officer will remove any person who makes any demonstration in the future.

Mr. ARENS. I would like to read you the introductory remarks of last Friday night, and ask you to give a word of explanation as we proceed to consider them:

Tonight with us we have one of the men who has been subpoenaed. His name is Pete Goodman. He is a member of the Seamen's Defense Committee. He is a man who is a leading figure in the National Maritime Union. Here now is Pete Goodman.

Were those remarks made in your presence last Friday night by the presiding officer who introduced you?

Mr. GOODMAN. The first and fifth amendment would be the same answer.

Mr. ARENS. Mr. Chairman, I would respectfully suggest that would conclude the staff interrogation of this witness.

Mr. SCHERER. Mr. Johansen, do you have any questions?

Mr. JOHANSEN. No.

Mr. SCHERER. The witness is excused.

Mr. ARENS. The next witness is Stanley Milton Hauser. Please come forward and remain standing while the chairman administers the oath.

Mr. SCHERER (presiding). The witness will raise his right hand. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAUSER. I do.

TESTIMONY OF STANLEY MILTON HAUSER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. HAUSER. My name is Stanley Milton Hauser. I live at 210 West 103d Street, New York 25, New York City. I am a student.

Mr. ARENS. Do you mind telling us where, please?

(Witness consulted his counsel.)

Mr. HAUSER. I am a student at one of the finest schools not only on the east coast, but on the west coast, the City College of New York.

Mr. ARENS. Are you appearing today, Mr. Hauser, in response to a subpoena which was served upon you by this committee?

Mr. HAUSER. You asked me a question?

Mr. ARENS. Yes.

Mr. HAUSER. I didn't hear you, I am sorry.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by this committee?

Mr. HAUSER. Yes. I have been served a subpoena and that is the only reason I am here.

Mr. ARENS. And you are represented by counsel?

Mr. HAUSER. Yes, I am.

Mr. ARENS. Counsel, will you kindly identify yourself on this record?

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Mr. Hauser, have you held a radio operator's license at any time?

(Witness consulted his counsel.)

Mr. HAUSER. Mr. Chairman, you brought me all the way from New York, my home, down here, on a subpoena, and that is the only reason why I came here. I look around here in this old room, I see you have a big old chandelier, and everybody is sitting around with ties and everybody is respectable and the committee and the hearing is supposed to be conducted respectably and decently—huh, decent.

Now, Mr. Chairman, before this committee begins to move the game has already been played.

Mr. ARENS. You are reading now from prepared notes; is that correct?

Mr. HAUSER. Mr. Chairman, I am trying to answer the question. Will you please allow me to answer the question?

Mr. ARENS. I respectfully suggest that the witness be directed to answer whether or not he is reading from prepared notes.

Mr. HAUSER. Mr. Chairman—

Mr. SCHERER. Just a minute now. The witness is directed to answer the question.

Mr. HAUSER. Will you please repeat the question? I didn't hear it. I am trying to answer the question.

Mr. ARENS. May I say, Mr. Hauser, it won't be necessary for you to keep your voice quite so loud. We can hear you without the microphone.

Mr. HAUSER. We will take the microphone away, okay?

Mr. ARENS. Are you reading now from prepared notes?

(Witness consulted his counsel.)

Mr. SCHERER. The audience has understood that I will permit no demonstrations either for or against any witness, or for or against the committee. Officer, I have instructed the previous officer who was here to remove anyone who makes any audible outcry of any kind. Will you follow my orders and remove anyone who in the future starts any type of demonstration without further instructions from the Chair? You understand that?

Mr. ARENS. Now will you kindly answer the question?

Mr. HAUSER. Mr. Chairman, will you please ask the attorney to tell me what the question is? I start out asking one question, he answers, and he asks me another question.

Will you please have him tell me what question he is trying to get me to answer?

Mr. ARENS. The first question I want you to answer in this instance—if you will kindly keep your voice down, we can hear you without the shouting. We are used to shouting, but we are not going to tolerate disreputable conduct.

Mr. HAUSER. Mr. Chairman, I don't like to be insulted. I want to talk like this. When somebody talks to me I like to be heard.

Mr. JOHANSEN. This committee does not like to be insulted and if you direct more attention to the questions asked instead of the speeches you are going to make, you will not have to have the questions repeated.

Mr. HAUSER. You asked me a question. I am trying to answer it.

Now you are asking me another one and I am confused. Will you tell me what you want me to answer.

Mr. ARENS. Yes. The first question and the only question that is now pending is, Will you kindly keep your voice down a little bit.

Mr. HAUSER. Well, look, wait a minute. If I am talking too loud I will move back here. We will move back here.

Mr. ARENS. I respectfully suggest the witness be ordered to respond to the subpoena of the committee and testify in an orderly manner before this committee.

Mr. HAUSER. What about back here?

Mr. ARENS. Mr. Witness, are you alluding to prepared notes in your testimony?

Mr. SCHERER. The witness is directed to answer.

Mr. HAUSER. It is really uncomfortable. I will come back here. It is really uncomfortable.

Mr. SCHERER. I have directed the witness to answer the question. Proceed with the next question.

Mr. ARENS. The next question is——

Mr. HAUSER. Which question, what question? Let us get on, huh?

Mr. ARENS. The pending question is this: Do you presently, or have you ever in the past held a radio operator's license?

Mr. SCHERER. I direct the witness to answer the question.

(The witness consulted his counsel.)

Mr. HAUSER. Mr. Chairman, this is apparently the same question that I was asked before.

Mr. SCHERER. Yes, and you have not answered the question yet.

Mr. HAUSER. I say that this committee who is trying to conduct hearings——

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question, or to invoke that part of the Constitution, if he honestly believes that his answer will incriminate him, which gives him that protection.

Mr. SCHERER. The witness is directed to answer the question.

Mr. HAUSER. Mr. Chairman, I am trying to answer the question. You interrupted me asking about some kinds of notes or something like that.

If you just let me speak for a couple of minutes I will answer the question. OK?

Mr. SCHERER. Mr. Arens, proceed with the next question.

Mr. ARENS. The next question is: Do you presently hold seaman's papers, sir?

Mr. HAUSER. Mr. Chairman, I object to the question on the grounds that our American democracy protects the individual from overreaching Government action, from encroachments into the privacy of individuals.

That violates my rights of freedom of speech, assembly, and association.

I further decline the question upon the basis of the constitutional privilege not to be compelled to bear witness against myself, a privilege which I assert in view of the recognized scope of this privilege which is to protect the innocent as well as the guilty, and which historically was developed and used to protect political and religious dissenters.

Mr. ARENS. Mr. Hauser, it won't be necessary for you to keep your voice up quite so high. We can hear you, without the shouting.

Mr. HAUSER. I don't know about that.

Mr. SCHERER. Just a minute. Have the reasons you advanced for not answering the committee's questions included the invocation of the fifth amendment?

(The witness consulted his counsel.)

Mr. HAUSER. Mr. Chairman, you can have the stenographer repeat my answer.

Mr. SCHERER. I direct the witness to answer the question.

Mr. HAUSER. I have already answered the question, as the stenographic record—

(The witness consulted his counsel.)

Mr. SCHERER. Let the record show that the courts have said that when it is not clear whether a witness refuses to answer a question on the basis of the fifth amendment, it is the duty of the committee to inquire specifically whether he is using the fifth amendment.

I have so inquired. I have directed the witness to answer the question. He has refused to answer the question.

Counsel, proceed to the next question.

Mr. ARENS. The next question, if you please—

Mr. HAUSER. Mr. Chairman, I would like to put into the record something, you know—

Mr. SCHERER. I have directed the counsel to ask you the next question.

Mr. ARENS. The next question is that we are now displaying to you a copy of a certificate transmitted to the committee and identified by the United States Coast Guard, certifying that you, Stanley Milton Hauser, hold a seaman's certificate licensed as radio officer, issued to you on January 2, 1957.

Kindly look at that certificate, sir, and tell this committee whether or not the facts recited there to your knowledge are true and correct.

(The witness conferred with his counsel.)

Mr. SCHERER. Let the record disclose that the witness is laughing.

Mr. ARENS. Would you kindly respond?

Mr. SCHERER. The witness is directed to answer the question.

Mr. HAUSER. Mr. Chairman—

Mr. ARENS. You are now referring to prepared notes?

Mr. HAUSER. You want to get this issue of prepared notes.

I think, Mr. Chairman, that this statement is an attempt to embarrass me, to attempt to undermine my intelligence and my integrity. I am speaking to the committee and I have before me a couple of pieces of paper on which I scratched a few ideas because I have a kind of an idea of what this committee tries to do.

I would like to continue by stating that this hearing is supposedly being conducted with decency and respectability.

But the weapons that this committee uses are two. Exposure of the individual, before he ever gets down here. That is number one.

Number two, the right to take away his job. This is what you guys are fighting for now, the right to get that right back because that is what the court took away from you.

If you think that I am going to lend myself to a procedure that takes away a man's right to work in his God-given career, then you are—well—

(Document marked "Hauser Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Now, would you kindly respond to the question.

Mr. SCHERER. The witness is directed to answer the question.

Mr. HAUSER. When you call——

Mr. ARENS. Would you kindly answer the question?

Mr. HAUSER. When you call an individual, you don't call one. You call thousands and thousands because once the word spreads around the waterfront that they are out picking the brains of the seamen again, then the bellies of men cave in because they know their jobs are at stake.

Mr. Chairman, if you want to know how to protect the waterfront you can go to the Coast Guard who you had down here yesterday. They are the best iceberg and growler protectors in the world. They have the finest geodetic service and hydrographic service.

Now, Mr. Chairman——

Mr. SCHERER. Proceed to the next question.

Mr. ARENS. The next question is this: Are you now, this instant, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ARENS. May I say, it won't be necessary for you to shout any more, sir. We can hear you with your normal voice.

Mr. SCHERER. The witness has had long enough time to answer the question. The Chair directs him to answer the question.

Mr. HAUSER. Mr. Chairman, I like to point out that I have made a statement before in answer to a question, something to do with whether or not I was a radio operator or seaman or something like that, on which I stood on the first and fifth amendments and I would like to point this out, that that was my answer to the questions or any questions that this committee so directs me to.

I hope you understand that.

Mr. SCHERER. The witness is directed to answer the outstanding question.

Mr. HAUSER. Then I want to point out to you that I am once again taking the first and fifth amendments.

Mr. SCHERER. Next question.

Mr. ARENS. Mr. Hauser, you have been identified to this committee as a person who is a member of the Communist Party. Is that identification true and correct?

(The witness conferred with his counsel.)

Mr. ARENS. Would you kindly answer the question.

Mr. HAUSER. Mr. Chairman, in relation to this particular question, I would like to point out that the purpose of this hearing was called to investigate certain activities on the waterfront.

Mr. ARENS. By Communists.

Mr. HAUSER. I would like to point out to the committee that their attempt at protection of the waterfront seems to me to be——

Mr. SCHERER. Would you desist a minute?

Mr. HAUSER. Am I answering the question, or not? Once you tell me I am not answering the question. When I try to——

Mr. SCHERER. Put the next question to the witness.

Mr. ARENS. Mr. Wardwell, would you kindly come forward? You have been sworn on this record, have you not?

Mr. WARDWELL. Yes, sir.

Mr. ARENS. Stand right there, if you please, sir.

During the course of your experience in the Communist Party, did you know as a member of the Communist Party a man by the name of Stanley Milton Hauser?

Mr. WARDWELL. Yes, sir.

Mr. ARENS. Do you see in the hearing room now the man who was known by you to be a member of the Communist Party by the name of Stanley Milton Hauser?

Mr. WARDWELL. Yes, sir.

Mr. ARENS. Would you kindly point him out to the committee?

Mr. WARDWELL. This man right here, sir.

Mr. ARENS. Where and when did you know him as a member of the Communist Party?

Mr. WARDWELL. Waterfront Section, Twenty-fifth Street and Eighth Avenue.

Also the Young Progressives of America on Twenty-third near Seventh Avenue.

Mr. ARENS. Was he hard core in the Communist Party?

Mr. WARDWELL. He is one of the goon squads of the waterfront.

Mr. ARENS. One of the goon squads of the waterfront?

Mr. WARDWELL. Yes.

Mr. ARENS. Does he act down there as he does before this committee in an obstreperous manner?

Mr. WARDWELL. Very much so.

Mr. ARENS. Mr. Hauser, you have just heard the testimony of Mr. Wardwell, in which he has said that he knew you as a member of the Communist Party and a member of the goon squad of the Communist Party. That is a pretty serious statement under oath respecting a man.

We want to give you an opportunity to deny, while you are under oath, the truth of that testimony. Do you care to avail yourself of that opportunity?

Mr. HAUSER. Mr. Chairman, as far as I know the procedural aspects of the law are one of the cornerstones of our democracy, and those who subvert and undermine these procedural aspects are the ones who are subverting and undermining democracy in the United States.

Those who prevent the right of cross-examination, those who base the accusations and statements on unprincipled informers, those who violate the presumption of innocence and those who disregard the bill of particulars—those are the people who are undermining the democratic rights of the United States citizens.

Any questions that I have to answer before any body or any person, I will only answer under the correct judicial proceedings which this committee has not and has never carried out, so as a result I refuse to answer any questions of this committee, including the last one—huh!—including the last one, on the basis of the first and fifth amendments.

Mr. ARENS. Were you a member of the goon squad of the Communist Party?

(The witness conferred with his counsel.)

Mr. HAUSER. Mr. Chairman, I give the same answer to that question.

Mr. SCHERER. Do you have any further questions, Mr. Counsel?

Mr. ARENS. Yes, sir; we do.

Mr. SCHERER. Proceed with the next question.

Mr. ARENS. Do you have a shortwave operator's permit?

(The witness conferred with his counsel.)

Mr. HAUSER. Mr. Chairman, I object to this question on the grounds of relevance.

Mr. SCHERER. You are directed to answer the question.

Mr. HAUSER. If I am directed to answer the question, I am forced, as I have previously stated, because I do not feel that this question is proper and correct, I don't believe that has been directed in the proper manner.

It is not relevant or pertinent to the issue that is supposed to be heard today, whether or not I have a ham license has not got anything to do with waterfront activities.

I would like to point out that once again I am standing on the first and fifth amendments.

Mr. ARENS. Have you transmitted any messages as a shortwave operator at the behest and direction of any person known by you to be a member of the Communist Party?

Mr. HAUSER. Mr. Chairman—

Mr. SCHERER. The witness is directed to answer the question.

(The witness conferred with his counsel.)

Mr. HAUSER. Mr. Chairman, I have been directed to answer the question. I would like to point out to this committee that this screening process that started on the waterfront before the Korean war in 1949—

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered to answer the question.

Mr. SCHERER. Yes.

Mr. HAUSER. I stand on the first and fifth amendments which guarantee my right and as an individual—

Mr. ARENS. Do you honestly apprehend, sir, while you are under oath and subject to the pains and penalties of perjury, that if you told this committee whether or not you have transmitted messages as a shortwave operator pursuant to the direction of a person known by you to be a member of the Communist Party, that you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHERER. The witness is directed to answer the question.

Mr. HAUSER. Mr. Chairman, this question is an attempt to embarrass me once again into participating into a violation of democratic principles which is represented by this hearing.

It is once again an attempt to intimidate me from refraining from using my constitutional privileges.

I once again proudly take the first and proudly take the fifth amendments against this hearing.

Mr. ARENS. Are you a member of an organization which is dedicated to the destruction of the Constitution of the United States?

Mr. HAUSER. Mr. Chairman, once again this question is an attempt to embarrass me into participating in a violation of democratic principles represented by this hearing.

It is once again an attempt to intimidate me into refraining from using my constitutional privileges.

When the day comes that you guys run a respectable democratic hearing, I will participate in it, but I will not now, and I stand on the first and fifth amendments.

Mr. SCHERER. The witness is excused.

Mr. ARENS. The next witness, if you please, will be Charles Malvern Swan.

Kindly come forward, Mr. Swan, and remain standing.

Excuse me, Mr. Henry Bernard Kasbohm is the next witness.

Mr. SCHERER. Will you raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. KASBOHM. I do.

TESTIMONY OF HENRY BERNARD KASBOHM, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KASBOHM. My name is Henry Bernard Kasbohm. I live at Great Neck, N.Y., 4 Maple Drive, and I am a building superintendent.

Mr. ARENS. You are appearing today in response to a subpoena which was issued by this committee?

Mr. KASBOHM. I assure you I would not be here unless I was.

Mr. ARENS. You are represented by counsel?

Mr. KASBOHM. Yes.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Where and when were you born?

Mr. KASBOHM. Sturgeon Bay, Wis., in 1903.

Mr. ARENS. Kindly give us a word about your education.

(The witness conferred with his counsel.)

Mr. KASBOHM. Grammar school only.

Mr. ARENS. Did you receive any other specialized training?

(The witness conferred with his counsel.)

Mr. KASBOHM. I really don't understand the question.

Mr. ARENS. Have you attended any Communist Party training schools?

Mr. KASBOHM. Under the first amendment and the fifth amendment, I refuse to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you have attended Communist Party training schools.

Mr. KASBOHM. First and fifth amendments.

Mr. ARENS. Do you presently hold seaman's papers?

Mr. KASBOHM. First and fifth amendment.

Mr. ARENS. I display to you now, if you please, a copy of a certificate identified on this record by the United States Coast Guard, certifying that you, Henry Bernard Kasbohm, presently hold seaman's papers as a merchant mariner, engine department, issued on December 12, 1956.

Kindly look at that document and tell this committee if to your certain knowledge the statements made there are true and correct.

(The witness conferred with his counsel.)

Mr. KASBOHM. First and fifth amendments.

(Document marked "Kasbohm Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you presently intend to ship out in the near future as a seaman?

Mr. KASBOHM. First and fifth amendments.

Mr. ARENS. How long have you been engaged in your present occupation?

(The witness conferred with his counsel.)

Mr. KASBOHM. Since about 1950.

Mr. ARENS. Do you hold or have you ever held a United States passport?

(The witness conferred with his counsel.)

Mr. KASBOHM. First and fifth amendments.

Mr. SCHERER. Witness, if you are refusing to answer on the basis of the first and fifth amendments, say that I decline to answer, rather than just shout out first and fifth amendments.

Mr. KASBOHM. Very well.

Mr. ARENS. Were you at one time denied seaman's papers?

(The witness conferred with his counsel.)

Mr. KASBOHM. I refuse to answer on the first and fifth amendments.

Mr. ARENS. Do you have current information which you can supply your Government via this committee respecting activities on merchant vessels and on waterfront facilities by persons known by you, to a certainty, to be members of the Communist Party?

(The witness conferred with his counsel.)

Mr. KASBOHM. I decline to answer on the first and fifth amendments.

Mr. ARENS. Are you this very instant a member of the Communist Party?

Mr. KASBOHM. I decline to answer on the first and fifth amendments.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. SCHERER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Charles Malvern Swan.

Please come to the witness stand.

Mr. SCHERER. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SWAN. I do.

TESTIMONY OF CHARLES MALVERN SWAN, ACCOMPANIED BY COUNSEL, DAVID REIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SWAN. My name is Charles Malvern Swan. I live at 3205 Dorithan Road.

Mr. ARENS. What city?

Mr. SWAN. Baltimore, Md.

Mr. ARENS. You are appearing in response to a subpoena served upon you by this committee?

Mr. SWAN. That is right.

Mr. ARENS. And you are represented by counsel?

Mr. SWAN. That is right.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. REIN. David Rein, 711 14th Street NW., Washington, D.C.

Mr. ARENS. How long have you been engaged in your present occupation, Mr. Swan?

Mr. SWAN. About 7 or 8 years.

Mr. ARENS. Do you hold seaman's papers?

(The witness conferred with his counsel.)

Mr. SWAN. I refuse to answer on the grounds of the first and fifth amendments.

Mr. ARENS. I display to you now a document identified on this record by the Vice Admiral of the United States Coast Guard, which is a certificate certifying that you, Charles Malvern Swan, hold seaman's papers, unlimited, any waters, as an able seaman, as a wiper-messman, issued on January 11, 1957.

Kindly look at this document and tell this committee while you are under oath whether or not the statements in this document are to your certain knowledge true and correct.

Mr. SWAN. I refuse to answer on the previous grounds.

(Document marked "Swan Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you have present intentions of shipping out in the foreseeable future as a seaman with seaman's papers.

Mr. SWAN. I refuse to answer on the same grounds.

Mr. ARENS. Have your papers as a seaman ever been denied?

Mr. SWAN. I refuse to answer on the same grounds.

Mr. ARENS. Are you now, this instant, a member of the Communist Party?

Mr. SWAN. I refuse to answer on the basis of the first and fifth amendment.

Mr. ARENS. How long have you lived in the Baltimore area?

(The witness conferred with his counsel.)

Mr. SWAN. Around 1939.

Mr. ARENS. Where did you live prior to the time you moved to Baltimore?

Mr. SWAN. Catholic Orphanage, Rock Hill, S.C.

Mr. ARENS. Have you been in any fracas in Baltimore in the last few years?

Mr. SWAN. I refuse to answer on the first and fifth amendments.

Mr. ARENS. You had a little to-do with the police in a demonstration there, did you not, some years ago?

Mr. SCHERER. Was it in connection with Communist Party activities?

Mr. ARENS. Yes.

Mr. SCHERER. The question is proper.

Mr. SWAN. Are you asking me, or telling me?

Mr. ARENS. Yes, sir: I am asking you.

Mr. SWAN. First and fifth amendments.

Mr. SCHERER. Are there any further questions, Mr. Counsel?

Mr. ARENS. Mr. Chairman, that would conclude the staff interrogation of this witness.

Mr. SCHERER. The witness is excused.

Mr. ARENS. The next witness, and the last witness for this morning, if you please, Mr. Chairman, will be William Henry Thompson.

Kindly come forward and remain standing while the chairman administers an oath.

Mr. SCHERER. Will the witness raise his right hand?

You do solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMPSON. I do.

Mr. SCHERER. Please be seated.

**TESTIMONY OF WILLIAM (HENRY) THOMPSON, ACCOMPANIED BY
COUNSEL, DAVID REIN—Resumed**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. THOMPSON. William Thompson, 204 West Franklin Street, Baltimore, Md.

Mr. ARENS. Your occupation? I believe you omitted that.

Mr. THOMPSON. I am a seaman by trade.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. THOMPSON. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. THOMPSON. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. REIN. David Rein.

Mr. ARENS. Mr. Thompson, are you now, or have you ever been a member of the Communist Party?

Mr. THOMPSON. I take the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. THOMPSON. I take the fifth amendment.

Mr. ARENS. Mr. Thompson, where were you about 12:30 yesterday?

Mr. THOMPSON. I refuse to answer on the fifth amendment.

Mr. ARENS. Were you in the offices of the Committee on Un-American Activities, about 12:30 or 1 o'clock yesterday?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. Did you confer with me in my private office about 12:30 or 1 o'clock yesterday?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. Did you tell me yesterday in the offices of the Committee on Un-American Activities something of your own background and experiences?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. Do you presently hold seaman's papers?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. You told us you were a seaman. You are not sailing without seaman's papers, are you?

Mr. THOMPSON. I said I was a seaman by trade.

Mr. ARENS. Do you presently hold seaman's papers?

Mr. THOMPSON. I refuse to answer on the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered to answer that question.

Mr. SCHERER. He has been invoking the fifth amendment.

Mr. ARENS. I respectfully suggest he be ordered to answer the question because he has told us he is a seaman and a seaman cannot sail as a seaman without seaman's papers.

Mr. SCHERER. That is right, but he did invoke the fifth amendment.

Mr. ARENS. I display to you now a copy of a certificate which has been identified on this record by the Vice Admiral of the Coast Guard. It is a certification that seaman's papers have been issued to you, engine department—ordinary seaman—lifeboatman, and bearing certain notations.

Kindly look at that document which is now being displayed to you and tell this committee, while you are under oath, whether or not the statements there are to your certain knowledge true and correct.

(The witness conferred with his counsel.)

Mr. THOMPSON. I refuse to answer under the fifth amendment.

(Document marked "Thompson Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Would you raise your voice?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. Have you recently broken from the Communist Party?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. You told me yesterday in my office that you had recently broken from the Communist Party, did you not?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. SCHERER. Were you threatened in any way since you talked to Mr. Arens yesterday?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. SCHERER. Did you tell anyone who is a member of the Communist Party that you had talked with Mr. Arens about your membership in the Communist Party, and that you had planned to testify? Did you tell anyone?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. I urged you yesterday to appear today and if you have broken from the Communist Party to testify like a red-blooded American about this conspiracy, testify for your Government respecting the operations and machinations of this conspiratorial force which would destroy this Government and freedom on American soil, did I not?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. I want to paraphrase a provision of the bill which is presently pending before the Committee on Un-American Activities.

Do you, sir, have information respecting the participation or activities of any individual conducted by, or under the direction of, the Communist Party?

Mr. THOMPSON. I refuse to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. SCHERER. The witness is excused.

The hearings are recessed until tomorrow morning at 10 o'clock.

(Thereupon, at 11:40 a.m., Tuesday, June 7, 1960, the committee was recessed to reconvene at 10 a.m., Wednesday, June 8, 1960.)

COMMUNIST ACTIVITIES AMONG SEAMEN AND ON WATERFRONT FACILITIES

PART 1

WEDNESDAY, JUNE 8, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to recess, at 10 a.m., in the Caucus Room, House Office Building, Washington, D.C., Hon. William M. Tuck, presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania (appearance as noted); William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; and August E. Johansen, of Michigan.

Staff members present: Richard Arens, staff director; Raymond T. Collins and William Margetich, investigators.

Mr. TUCK. The committee will come to order.

Counsel, please call the first witness.

Mr. ARENS. Hugh Mulzac, please come forward. Remain standing while the chairman administers the oath.

Mr. TUCK. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. MULZAC. I do.

TESTIMONY OF HUGH MULZAC, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MULZAC. Hugh Mulzac. I live at 106-61 Roscoe Street, Jamaica, N.Y. Occupation, unemployed.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. MULZAC. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. MULZAC. Yes.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York City.

Mr. ARENS. What is your occupation, Mr. Mulzac? I understood you to say you are presently unemployed. What is your vocation, your line of work?

Mr. MULZAC. I have nothing particular.

Mr. ARENS. Are you a seaman?

Mr. MULZAC. I am a seaman but I have not been going to sea.

Mr. ARENS. Do you have seaman's papers?

Mr. MULZAC. Yes.

Mr. ARENS. When did you acquire your seaman's papers, your last seaman's papers?

(No response.)

Mr. ARENS. Did you acquire them in 1956?

Mr. MULZAC. Yes.

Mr. ARENS. Are you rated as a seaman, steward-cook?

Mr. MULZAC. Also, yes.

Mr. ARENS. Do you have arrangements made to resume your vocation or avocation of seaman? Do you expect in the near future to resume as a seaman?

Mr. MULZAC. I refuse to answer that.

Mr. ARENS. Why? Mr. Mulzac, would it be convenient for you to get closer to the microphone?

Mr. MULZAC. I lean on the fifth amendment because such a question may incriminate me.

Mr. ARENS. Are you connected with the Seamen's Defense Committee?

Mr. MULZAC. I refuse to answer.

Mr. ARENS. We would like to display to you now a thermofax reproduction of an article appearing in the Daily Worker of November 8, 1956, which states:

The Seamen's Defense Committee Against Coast Guard Screening, whose chairman is Capt. Hugh N. Mulzac, and consisting of merchant seamen denied "clearance" within the last six years by the Coast Guard issued the following statement yesterday:

Then the statement appears.

Kindly look at that article which I now display to you and tell this committee whether or not the designation by yourself in the Daily Worker as the chairman of the Seamen's Defense Committee is true and correct.

(Document handed to witness.)

(Witness consulted his counsel.)

Mr. MULZAC. I refuse to answer. I lean on the fifth amendment.

(Document marked "Mulzac Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you honestly apprehend if you told this committee that you are, or in the recent past you were, chairman of the Seamen's Defense Committee, you would be supplying information which might be used against you in a criminal proceeding?

Mr. MULZAC. I refuse to answer that.

Mr. ARENS. Have you ever been screened off of merchant vessels under the Coast Guard screening program?

Mr. MULZAC. I refuse to answer.

Mr. ARENS. Why?

Mr. MULZAC. I lean on the fifth amendment; it may tend to incriminate me.

Mr. ARENS. We put it to you as a fact that you were screened off merchant vessels under the Coast Guard screening program in 1951 and we ask you to affirm or deny that fact.

Mr. MULZAC. I refuse to answer. I lean on the fifth amendment.

Mr. ARENS. Over what period of time did you sail on merchant vessels with seaman's papers?

Mr. MULZAC. I refuse to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. He has told us quite openly here a while ago that he is a seaman and has been a seaman. It is certainly a legitimate question then to ask him over what period of time he did pursue his vocation as a seaman and did sail.

Mr. TUCK. Inasmuch as the witness has already responded to questions along this line, the Chair rules that he is required to answer the question. The Chair orders and directs you to answer the question.

(Witness consulted his counsel.)

Mr. MULZAC. I refuse to answer on the grounds that I lean on the fifth amendment.

Mr. ARENS. Now, Mr. Mulzac, this Committee on Un-American Activities is trying to develop information respecting Communist activities among seamen's groups. We have here before us a thermo-fax reproduction of an article appearing in the Daily Worker of March 5, 1956, the opening sentence of which reads as follows:

The Seamen's Defense Committee, composed chiefly of seamen and longshoremen who have been screened out of the maritime industry by the Coast Guard, was formed recently with the cooperation of the Emergency Civil Liberties Committee.

Can you tell this committee, please, sir, what information do you presently have respecting the activities and participation of the Emergency Civil Liberties Committee in the formation of the Seamen's Defense Committee?

Mr. MULZAC. I refuse to answer. I lean on the fifth amendment.

(Document marked "Mulzac Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Did the Emergency Civil Liberties Committee collect funds to be used by the Seamen's Defense Committee?

Mr. MULZAC. I refuse to answer that.

Mr. ARENS. Did the director or administrative chief of the Emergency Civil Liberties Committee participate in the formation of the Seamen's Defense Committee?

Mr. MULZAC. I refuse to answer that. It tends to incriminate me. I lean on the fifth amendment.

Mr. SCHERER. I can't hear the witness.

Mr. MULZAC. I lean on the fifth amendment. I refuse to answer those questions.

Mr. ARENS. Did you participate in the rally which was held last Friday night in New York City by the Youth to Abolish the House Un-American Activities Committee, at which meeting certain of the screened seamen appeared?

Mr. MULZAC. I refuse to answer. I lean on the fifth amendment.

Mr. ARENS. The chairman of this committee introduced in the House of Representatives some time ago a bill which is designed to enable the Coast Guard to screen out from merchant vessels Communists and others who would jeopardize the security of this Nation. This bill provides, among other things, that seaman's papers cannot be issued by the Coast Guard to an individual who has been subpoenaed to appear before a Federal agency and who refuses to answer certain questions.

For the purpose of developing factual information on the operation of that bill, should it become law, I propose now to ask you questions respecting each of three areas which are prescribed as proper areas for questions in the framework of this bill.

The first question is this, based upon the first item of the bill: Are you, Mr. Mulzac, who now hold seaman's papers, presently a member of the Communist Party?

Mr. MULZAC. I refuse to answer that. I lean on the fifth amendment.

Mr. ARENS. The second question is this: Are you, Mr. Mulzac, who have told us that you presently hold seaman's papers, possessed of information respecting the activities of a person known by you at the present time to be a member of the Communist Party?

Mr. MULZAC. I refuse to answer that. I lean on the fifth amendment.

Mr. ARENS. The third question is based upon the third unit of this bill which precludes issuance of seamen's papers to certain persons. Are you, Mr. Mulzac, now possessed of information respecting activities conducted by a person known by you to be under the direction of the Communist Party?

Mr. MULZAC. I refuse to answer that. I lean on the fifth amendment.

Mr. ARENS. You understand, Mr. Mulzac, that if this bill were law, and if you refused to answer those questions when subpoenaed by a Federal agency, you would then not be issued seaman's papers, and you would then, if you had previously been issued seaman's papers, be precluded thereafter from using those seaman's papers?

Mr. Chairman, I have still another question.

Mr. Mulzac, were you a participant in recent litigation involving certain steamship lines in which seamen who had been screened off vessels were seeking to resume, or have resumed, their status as seamen?

Mr. MULZAC. I refuse to answer that. I lean on the fifth amendment.

Mr. ARENS. I should like to invite your attention to an article appearing in the Communist Daily Worker of March 16, 1956:

Rally Tonight to Hit Screening by Coast Guard

Dr. J. Raymond Walsh, economist and former national research director of the CIO, will be the main speaker at a public meeting tonight (Friday) to protest Coast Guard screening of merchant seamen and longshoremen. The meeting is being held under the auspices of the Seamen's Defense Committee in cooperation with the Emergency Civil Liberties Committee. It will be held at 8 p.m. at Adelphi Hall, 74 Fifth Avenue.

Capt. Hugh Mulzac, who served as master of the Liberty ship, the *Booker T. Washington*, during the war, will relate his own experiences with Coast Guard screening.

Victor Rabinowitz, counsel of the Seamen's Defense Committee, will analyze the recent decision by the Ninth District Court of Appeals invalidating Coast Guard screening procedures.

Dr. Annette Rubinstein will be chairman.

Tell me, sir, did you attend and participate in the meeting which is described in the article from the Daily Worker which I just read?

Mr. MULZAC. I refuse to answer that. I lean on the fifth amendment.

(Document marked "Mulzac Exhibit No. 3" and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. TUCK. The witness will stand aside.

Mr. ARENS. The next witness will be Mr. Charles Everett Colcord.

Mr. TUCK. Do you solemnly swear the testimony you are about to give before this committee of the United States House of Representatives will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLCORD. I do.

**TESTIMONY OF CHARLES EVERETT COLCORD, ACCOMPANIED BY
COUNSEL, LEONARD B. BOUDIN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. COLCORD. My name is Charles Everett Colcord, C-o-l-c-o-r-d. I reside at 128 Willoughby Avenue, Brooklyn 5, New York.

Mr. ARENS. You are appearing today, Mr. Colcord, in response to a subpoena served upon you by this committee?

Mr. COLCORD. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. COLCORD. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.

Mr. ARENS. Mr. Colcord, what is your occupation?

Mr. COLCORD. I decline to answer that question on the following grounds: The vagueness of the resolution empowering the committee, lack of jurisdiction of the committee, the lack of pertinency of the question. I also invoke that portion of the fifth amendment relating to freedom of speech, freedom of assembly, freedom of the press. I also invoke that portion of the fifth amendment relating to due process of law, and that portion of the fifth amendment which says that I cannot be compelled to be a witness against myself in any criminal proceeding.

Mr. JOHANSEN. Mr. Chairman, I suppose it is not too important, but it seems to me it is just a little premature to comment on the pertinency of the questions that have not been asked.

Mr. TUCK. The point made by the gentleman from Michigan is well taken.

(Chairman Walter entered the room.)

Mr. ARENS. Mr. Colcord, how long have you been engaged in your present occupation?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Are you possessed of seaman's papers issued by the United States Coast Guard?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. We display to you now a certificate which has been identified on this record by the Vice Admiral of the Coast Guard as a certificate certifying that seaman's papers were issued to you, Charles Everett Colcord, as an Ordinary Seaman-Wiper-Messman (FH)-Lifeboatman, at the time and place indicated in the certificate.

Kindly look at that document and tell this committee whether or not the recitations there, the issuance of the seaman's papers to you, are, to your certain knowledge, true and correct.

(Document handed to witness.)

(Witness consulted his counsel.)

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

(Document marked "Colcord Exhibit No. 1" and retained in committee files.)

The CHAIRMAN (presiding). May I ask a question? Do you feel that you might be subjected to a criminal prosecution if you answered the question as to whether or not you had the customary papers issued to a person in this seaman-wiper-messman category?

(Witness consulted his counsel.)

Mr. BOUDIN. Excuse me one second, Mr. Chairman.

(Witness consulted his counsel.)

Mr. COLCORD. I respectfully decline on the grounds previously stated.

The CHAIRMAN. What crime do you think you might be charged with if you admitted that you had papers qualifying you to serve on merchant ships as a seaman-wiper-messman-lifeboatman?

Mr. COLCORD. I decline to answer on the grounds previously stated.

The CHAIRMAN. I direct you to answer the question.

Mr. COLCORD. I decline to answer on the grounds previously stated.

Mr. ARENS. Have you had, or do you presently have, a radio operator's license authorizing you to operate a radio aboard ship or on port facilities?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Have you, in the course of the last 5 years, transmitted any messages via radio aboard ship or port facilities, which messages were given to you by a person known by you to be a member of the Communist Party?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Now, sir, there is pending before this committee a bill, H.R. 11580, introduced by the chairman of the committee, which, among other things, precludes the issuance of seaman's papers to a person who when subpoenaed before a Federal agency refuses to answer under oath questions concerning three items. I should like to repeat each of these three items to you now so that this record will reflect how this bill would operate if it were law.

Item 1. Are you, sir, now a member of the Communist Party?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Are you, sir, possessed now of information respecting the activities of any person known by you to be a member of the Communist Party?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Do you, sir, have information now respecting the participation of any individual in activities conducted by, or under the direction of, the Communist Party?

Mr. COLCORD. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

The CHAIRMAN. Now, as I understand the bill, if the witness had invoked the fifth amendment with respect to these three questions, or any one of them, it would have been impossible for him to obtain a radio license or a license as a sailor.

Mr. ARENS. That is right, and if he has such a license he would not be able to sail under the papers which had been issued to him prior to the instance in which he would refuse to answer these questions.

The CHAIRMAN. Are there any questions?

Mr. TUCK. I have no questions.

The CHAIRMAN. Thank you.

In view of the fact that important witnesses, operators of lines and the officers of labor unions, are now in a conference in Europe, the hearings will be recessed until such time as it is possible for them to attend. So the present session is adjourned.

(Thereupon at 10:30 a.m., Wednesday, June 8, 1960, the committee recessed subject to call of the Chair.)

COMMUNIST ACTIVITIES AMONG SEAMEN AND ON WATERFRONT FACILITIES

PART 1

THURSDAY, JUNE 23, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to call, at 10 a.m. in the Caucus Room, House Office Building, Washington, D.C.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; and August E. Johansen, of Michigan. (Appearances as noted.)

Staff members present: Richard Arens, staff director, and Raymond T. Collins, investigator.

Mr. SCHERER (presiding). The committee will come to order.

(Members of the committee present at time of convening: Representative Scherer.)

Mr. SCHERER. Mr. Director, will you call your first witness?

Mr. ARENS. The first witness, if you please, will be Mr. Ray R. Murdock, Washington counsel for the Seafarers' International Union of North America.

Mr. Murdock, would you kindly come forward?

Mr. SCHERER. Mr. Murdock, do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MURDOCK. I do.

TESTIMONY OF RAY R. MURDOCK, WASHINGTON COUNSEL, SEAFARERS' INTERNATIONAL UNION OF NORTH AMERICA, ACCOMPANIED BY H. HOWARD OSTRIN, OF COOPER, OSTRIN & DeVARCO, GENERAL COUNSEL, NATIONAL MARITIME UNION, AND HOYT S. HADDOCK, DIRECTOR, SEAFARERS' SECTION, MARITIME TRADES DEPARTMENT, AFL-CIO

Mr. ARENS. Mr. Murdock, will you kindly identify yourself on this record and identify, if you please, sir, your colleagues who are appearing with you today?

Mr. MURDOCK. I am an attorney-at-law in Washington, D.C., and I am Washington counsel for the Seafarers' International Union of North America.

I am accompanied at the table by Mr. H. Howard Ostrin, of the firm of Cooper, Ostrin & DeVarco, who is the general counsel to the National Maritime Union, and by Mr. Hoyt Haddock. Mr. Haddock is the director of the Seafarers' Section, Maritime Trades Department of the AFL-CIO.

The Seafarers' Section comprises all legitimate seagoing unions which are affiliated with the AFL-CIO and has a membership in excess of 100,000.

Mr. ARENS. Mr. Murdock, you have a prepared statement to present to the committee today?

Mr. MURDOCK. Yes.

Mr. ARENS. And may I inquire, do the other two gentlemen accompanying you have prepared statements or do they have anything they want to say or do they, in effect, lend their support to the essence of your statement?

Mr. MURDOCK. They do not have prepared statements. Mr. Ostrin is here in the event some technical question arises on which his advice is needed. We are in agreement with the statement which I will put into the record.

Mr. ARENS. All right, sir.

Would you kindly proceed, then, Mr. Murdock? The statement is not too long. You can read it, if you please, for the benefit of the member who is present and also for the benefit of the record, which will be available to the entire membership of the committee.

Mr. MURDOCK. More than any other group, legitimate American seamen favor exclusion of Communists and other security risks from the waterfront. Not only do Communists on the waterfront imperil our national defense, they also constitute an unstable factor which disrupts the industry and interferes with genuine collective bargaining.

It is generally recognized that, of all industries, the waterfront industries are most vulnerable to infiltration by subversives. This vulnerability results primarily from the facts that (1) shipping is an international operation and the flags in the maritime industry represent governments of every political complexion, and (2) in the very nature of the business, maritime is an industry of casual employment, that is, seamen frequently change employers after every voyage, and their tenure is variable and undependable.

Because of these conditions, it is perhaps inevitable that opportunists and adventurers, renegades and conspirators are attracted to the waterfront.

However, I call your attention to the fact that the maritime unions affiliated with the AFL-CIO have done a remarkable job of cleaning Communists and other subversives out of their ranks. The maritime unions have carried on, and will continue to carry on, an intensive crusade against Communists and other subversives.

Unfortunately, as you know, not all segments of the waterfront industries are under the jurisdiction of unions affiliated with the Federation.

As Chairman Walter said in his opening statement in these hearings, "for all practical purposes . . . the entire security screening procedures administered by the United States Coast Guard" have been ruled invalid by Federal courts. The result is that subversives have free access to ships and port facilities in this country.

Let me emphasize that, under existing conditions, the shipping industry constitutes a convenient conduit by which subversives from foreign countries can pour into this country. The dangers inherent in this situation cannot be overemphasized. The National Research Council of the National Academy of Sciences recently issued a report known as "Project Walrus." We do not agree with some of the conclusions in this report. However, it does set forth some facts which should be alarming to the Congress and to the public.

It points out that, in the event of general war, "merchant shipping is very likely to be the least damaged physical resource" (p. 8). This is because railroad and highway systems are extremely vulnerable to atomic attack. In the event of such an attack, our main reliance, at least in the early stages, would be on the merchant marine.

But it must be remembered that the merchant marine is peculiarly vulnerable to sabotage. One skilled man can paralyze a great ship. If we are not able to prevent the infiltration of our merchant marine by subversives, then the hazards become incalculable. If our merchant marine can be paralyzed by sabotage, then all the billions we are spending for defense still leave us woefully unprepared.

We, therefore, congratulate the chairman and the committee on this effort to evolve a system of waterfront security. To the extent that the Walter bill will contribute to the exclusion of Communists from the waterfront, our unions favor it and advocate its enactment.

The primary function of maritime labor unions is to protect the rights of seamen, and we are dedicated to that function. We do not believe the maintenance and preservation of effective security regulations require the destruction of civil rights, and particularly the right to due process.

We believe that the Walter bill, with the amendments proposed by the chairman, complies with these standards. However, we call your attention to some loopholes which will be left in the law unless the Walter bill is further amended.

First, and simplest, we believe that fascism and other forms of totalitarian subversion are dangerous to our way of life, and we think the applicability of the Walter bill should be extended so as to cover them.

We believe that all forms of dictatorship are inimical to our way of life and that we must resist with eternal vigilance every effort of dictatorships to extend their sway. We, therefore, recommend a simple amendment to the Walter bill consisting of the addition of the words "Fascist party, or other subversive party" at the end of line 11, prior to the word "or" at the end of line 13, and on line 16 after the word "Party," all on page 2.

The amendment, I assume, would also require a new definition following (c) (3), and we suggest the following:

On page 3, line 15, after the figure "(3)" insert "(1)." On page 3, line 23, after the semicolon, insert the following:

(2) The terms "Fascist party, or other subversive party" mean any other party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, district, Commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and include subsidiary organizations of such party;

Mr. SCHERER. May I interrupt, Counsel?

As I stated at the outset, we are caught in a bind this morning.

(At this point Representative Tuck entered the hearing room.)

Mr. SCHERER. Governor Tuck has now arrived, but the bells have just rung announcing a vote on the floor. We will have to recess for a few minutes.

Mr. ARENS. If it is agreeable with you, Mr. Chairman, we will request the witnesses to remain present until some other member is in attendance.

Mr. SCHERER. Mr. Johansen will be here. I hope you understand the predicament we are in this morning. Usually the House convenes at twelve, but this morning it is convening at ten.

Please excuse me. We will recess until another member arrives.

(At this point Representative Scherer left the hearing room.)

(A short recess was taken.)

(Members of the committee present at expiration of the recess: Representative Johansen).

Mr. JOHANSEN (presiding). The committee will be in order.

Mr. ARENS. Now that we are able by this change and shift in process to resume, would you kindly resume at the place where you had suspended, please, Mr. Murdock?

Mr. MURDOCK. Mr. Chairman, I had just proposed an amendment to the Walter bill, and now I would like to propose a second one.

Second, let me call your attention to the fact that the American-flag maritime industry is in a state of deep depression. At the end of World War II, our merchant marine was larger than the merchant fleets of all other countries in the world combined. Today our active merchant fleet ranks fourth after Great Britain, Norway, and Liberia.

As of the end of August 1959, American-flag vessels carried less than 19 percent of our dry cargo exports, less than 17 percent of our dry cargo imports. As of the same date, American-flag tankers carried less than 24 percent of our tanker exports, and less than 4 percent of our tanker imports.

If I may interpolate, our tanker exports consist of a very, very small quantity. Preliminary figures from the United States Department of Commerce, Bureau of Census, show that in 1959 United States-flag ships carried only 10.6 percent of our imports and exports, exclusive of trade in military vessels and trade with Canada.

If I may interpolate again, let me remind you that in the Shipping Act of 1936, and repeatedly since that time, the Congress of the United States has declared it to be the policy of this country that we shall have an American-flag merchant marine, manned by American seamen, built in American shipyards, which is capable of supplying the needs of our economy and our national defense.

Repeatedly, experts from the Department of Defense have stated that such an adequate merchant marine would be capable of carrying at least 50 percent of our foreign commerce. Today we are carrying, as I have just indicated, 10.6 percent.

According to "Project Walrus," which I have previously referred to, so-called "flag-of-convenience" ships account for 70 percent of United States total tonnage in dry bulk cargo carriers and about one-half United States total tonnage in tankers (p. 9).

Aluminum is derived from bauxite ore, and practically all the bauxite we use is imported on "flag-of-convenience" ships manned by

foreign crews which owe no allegiance to this country. About a third of the iron ore used in this country is imported, and almost all of it is imported on ships manned by foreign seamen who certainly are not dedicated to the best interests of this country.

In other words, the maintenance of our aluminum industry, a substantial portion of our steel industry, and an important percentage of our oil industry depend upon foreign-flag ships manned by foreign crews whose actions, in the event of war, are unpredictable.

The American merchant marine is being driven from the seas by "flag-of-convenience" ships which are owned and operated by American citizens. This is a unique phenomenon in American industry. It works like this: If an American oil company operates a tanker under the American flag, it must pay American wages, obey American labor laws, pay American taxes, and comply with American safety standards. But the company can escape its obligation in all of these respects by transferring the naked legal title to the ship to a wholly-owned foreign subsidiary, say a Liberian company. Now mind you, the ship never goes to Liberia; it does not employ Liberians; it does not pay taxes to Liberia; and it does not enter at all into the economy of Liberia, except that it pays a comparatively nominal license fee to that country. It flies the Liberian flag. But it stays in the same trade, carrying the oil of its American owner from foreign ports to American ports. In other words, this foreign-flag company is here, doing business here, doing the same business here that it does under the American flag. It is manifest that no American-flag ship, complying with American laws, can compete with such a vessel. Therefore, the American tanker and dry bulk fleets are being rapidly destroyed.

These "flag-of-convenience" ships are manned by foreigners recruited in many different areas. Some of them have Italian crews. Many of them have crews recruited in Latin America. Some of them we have examined are manned almost exclusively by Cubans. No security check whatever is made on these foreign seamen. The Coast Guard has no jurisdiction over them. They represent a potential plague of security risks who will have easy access to our waterfront facilities. If the process is allowed to continue, soon there will be many more foreign seamen working on American-owned ships than American seamen. We do not believe that foreign Communists and foreign subversives are any more desirable than American subversives.

Therefore, we propose the following amendment to the Walter bill: On page 2, line 19, after the word "States" insert the following: "or, any merchant vessel owned by a citizen of the United States,".

Mr. Ostrin suggests that, in order to make this amendment effective, the Coast Guard or some other agency of the Federal Government should be given the duty and the authority to conduct security checks on these vessels which are owned by American citizens and doing business in this country.

May I point out that, under existing laws, this business of transferring ships to foreign registry is legal. It is not only legal, unfortunately it has been encouraged by Federal agencies. The basis of the encouragement is that this Government is said to have effective control over these ships under a foreign registry in time of emergency.

The effective control consists, briefly, of these provisions which are written into the transfer: (1) that they should be available to the

United States in time of emergency, and (2) that they shall not be transferred to another foreign owner without the permission of the Federal Maritime Board.

On the subject of effective control, let me just point out a ship is operated by a crew, and you may have all the effective control in the world of a ship legally, in contracts and in documents, but if you do not have effective control of the crew, you have no control whatsoever over the ship.

Mr. ARENS. Have you studied the provisions of the bill introduced by the chairman, H.R. 11580, from the standpoint of the theory of the bill in relation to the decision by the Supreme Court in *Nelson and Globe v. County of Los Angeles*?

Mr. MURDOCK. I have, Mr. Arens.

Mr. ARENS. It is your judgment, sir, that the bill introduced by the chairman is constitutional and sound, on the same theory pronounced sound in *Nelson and Globe v. County of Los Angeles*?

Mr. MURDOCK. Yes, sir; providing that the regulations and procedures adopted are in accord with the doctrine of the Supreme Court. However, I call attention to the fact that that is a rather thin decision. It was a decision by an evenly divided court.

Mr. ARENS. In the Nelson case?

Mr. MURDOCK. Yes.

Mr. ARENS. Mr. Ostrin or Mr. Haddock, do you gentlemen have anything which you would like to add to the observations made by Mr. Murdock?

Mr. OSTRIN. Yes. I would like to underscore two points. Point No. 1 is that our union—and I think that the Seafarers' International Union joins us in this respect—is extremely interested in seeing to it that the Subversive Activities Control Act of 1950, in its proposed amended form by this bill, must not be so administered as to impinge upon the constitutional rights of merchant seamen. We feel very strongly about that.

Mr. ARENS. Are you satisfied, sir, that the bill, with the amendments which have been proposed by the chairman to his own bill, meets all of the requirements?

Mr. OSTRIN. The bill in its form meets, we believe, all of these requirements, but I think much depends on how it will be administered by the Coast Guard. We feel that the constitutional rights of seamen employed aboard American merchant vessels should, at all times, be safely guarded in the conduct of these security investigations. If that is done, then we would be satisfied.

Mr. ARENS. Am I clear in my impression that the organization which you represent, the National Maritime Union, is a proponent or advocate of this legislation?

Mr. OSTRIN. We would support it and we concur in the views submitted and stated by Mr. Murdock.

Mr. ARENS. Thank you, sir.

Mr. OSTRIN. Of course, there is this one other point, and Mr. Murdock has touched upon it and we again would like to underscore it.

The bill, if enacted into law, in our view would not effectively give us the kind of security program that we all want in our merchant marine, unless active steps and measures are taken to implement this

program aboard these so-called vessels which fly the flags-of-convenience or flags-of-necessity; and unless the purposes and the objectives of this bill can be extended to those vessels, we would merely be plugging up one hole but leaving the gap wide open for subversives and for other undesirable elements to continue in their employ aboard vessels which ultimately will be, as we understand it, under the control of the United States during critical periods of emergency.

Unless that can be taken care of effectively, I do not see how this bill can do the job that it is intended to do. This is not criticism of the bill.

Mr. ARENS. We understand.

Mr. OSTRIN. We merely feel it does not go far enough.

Mr. ARENS. Gentlemen, I think it would be helpful if you could give us a little more detail with respect to the general statement in Mr. Murdock's prepared remarks.

You say, Mr. Murdock, "The dangers inherent in this situation cannot be overemphasized," and the situation to which you are alluding is the situation in which we find ourselves at the present time, namely, a situation in which security risks, Communists and other subversives, are now on American merchant vessels.

Based upon the background and the experience which you gentlemen have in the shipping industry, could you detail to us the nature of the threat which these Communists pose to the security of this Nation?

Mr. MURDOCK. Let me give you an example which I think points up the incongruity of this whole situation.

As everybody knows, we have a great missile program going on from Port Canaveral. The missiles are fired, and then we have some tracking vessels, the principal function of which is to track the missile and endeavor to recover the head. These ships are manned by American seamen. This is an American-flag operation.

Along the route of the missiles we have a number of Navy and Air Force installations, whose function is also to track the missiles and do other things which I am not familiar with. But these Navy installations and Air Force installations are supplied by a foreign-flag operation. It is owned by an American citizen, but it is manned by foreign seamen. No security check can be made of these people. They are recruited in the Caribbean, they are recruited in Cuba, they are recruited wherever they can be had.

These are the boats which go into these bases and furnish the supplies. They take in food, they take in other kinds of supplies. I do not believe I could go to one of those installations without security clearance. But here you have foreign seamen coming from God knows where, with God knows what indoctrination, who at least have physical access to these bases.

Let me give you one more example.

There is a cruise ship which operates between Miami, Havana and other Caribbean ports, and also operates occasionally from Washington, D.C. This ship is nominally owned by a Panamanian corporation, but it is chartered to and operated by a Florida corporation. It is called the SS *Yarmouth*. It is manned exclusively by seamen recruited in the Caribbean area. We struck this ship in Washington. We talked to the crew. The crew was almost exclusively Cuban.

Do we want Mr. Castro's agents to have free access to our port facilities? That is what they have now.

Mr. ARENS. Can you give us any further detail, gentlemen, as to the nature of the acts which could be performed, and probably would be performed, by Communists on merchant vessels if, as, and when they would get the signal from the international Communist conspiracy?

Mr. MURDOCK. Mr. Arens, let me give you an example.

A few years ago, and this was an American-flag ship, it was renovated for the Hawaiian trade, renovated on the East Coast, and they took it down through the canal to the West Coast. This ship was subjected to sabotage, not by foreigners but American seamen. I do not know the purpose of it. I do not know who instigated it. I just know what happened.

By the time this ship had reached the Panama Canal it was virtually uninhabitable. For example, when they got into the tropics, the air-conditioning system broke down and the heat was turned on. The passengers who had paid cruise fares were trying to sleep in quarters where temperatures were above 120 degrees. Somebody put oranges in the lavatories. A wrench was in the generator. As I say in my statement, a skilled man who knows the machinery of a ship—and the people in the engine department know it—a skilled man, one man, can put a great ship out of operation.

Mr. ARENS. Based upon the background and experience of you gentlemen, how would you now characterize the threat or the potential threat which exists at this hour to the security of this country by reason of the fact that the security-screening program has been virtually demolished and by reason of the fact that we know we have at least 300 seamen on merchant vessels who were, in the first instance, prior to demolition of the security program, denied security clearance?

Mr. MURDOCK. We do not have any security at all. We have some measure of security with respect to American crews, the security which is exercised to a limited degree by the unions themselves and by the Coast Guard.

Mr. ARENS. What is the potential threat which that situation poses to the security of this Nation? I ask you that based upon your background and experience.

Mr. MURDOCK. I think it is a hazardous degree which is indescribable.

A few years ago somebody conducted an experiment. A ship came into New York, and I think it was three foreign seamen went ashore, went to one of the great reservoirs which supply the water supply for New York City, and dumped in a package of pellets. As I say, this was an experiment. Nobody stopped them. Nobody even knew they had done it, and yet it was done. Unless you can check these subversives, the gates are wide open to them.

Mr. ARENS. Do you gentlemen have any further observations which you should like to make? Mr. Haddock?

Mr. HADDOCK. Just a moment.

There are two points that both gentlemen have emphasized—

Mr. ARENS. Mr. Haddock, would you identify yourself on the record, please?

Mr. HADDOCK. I am Hoyt Haddock, Director, Seafarers' Section, Maritime Trades Department of the AFL-CIO.

First of all, we would not be here today, nor would the Walter bill be here today, had the Coast Guard administered the previous security bill in accordance with the suggestions of the maritime unions, to wit: that merchant seamen's civil rights be protected in the administration of that act.

Failure to carry that out is the only reason why we are here today, because the previous act was workable, had it been administered properly. So I want to emphasize again the importance of making sure that the administrative agency has adequate instructions, either in the bill or in the report, to assure that it will not be thrown out again by the courts.

Mr. JOHANSEN. Mr. Arens, will you let me interrupt at that point?

I think no one is more concerned than the members of this committee with respect to safeguarding and recognizing the constitutional rights that you referred to. I wonder, however—because every attack that is made on security efforts by those who do not want those safeguards is made under the guise of violation of the constitutional rights—I wonder if you would care to be a little more explicit on the record as to the constitutional rights you referred to, or the violations of them that you warn against so emphatically.

Mr. HADDOCK. I think there I would yield to one of the attorneys, because they are more familiar with these constitutional rights.

Mr. JOHANSEN. My only point is that I wanted to distinguish between the valid and legitimate regard for constitutional rights and the kind that the Communists who hide behind the Constitution invariably invoke.

Mr. OSTRIN. I think our point in that regard could not better be explained than the manner in which it was discussed by the court in *Parker vs. Lester*. We feel that a seaman who is suspected should have the right to confront his accusers; that he should be given a fair and impartial hearing, with the right to examine and cross-examine witnesses.

We feel that if the ordinary system of fair play—and that is all that we ask, fair play—consistent with democratic traditions is utilized in the administration of this program, that is all that we want.

Mr. JOHANSEN. You think that if that is done administratively, those safeguards can be provided within the framework of the Walter bill?

Mr. OSTRIN. Yes; definitely. That is all that we are looking for. We strongly support this bill.

Mr. JOHANSEN. We appreciate that and appreciate the testimony.

I regret we are going to have to suspend the hearing for a few moments. There is a second call for "yeas" and "nays," and either a colleague of mine or I will be back immediately.

Mr. ARENS. Thank you.

(At this point Representative Johansen left the hearing room.)

(A short recess was taken.)

(At the expiration of the recess, the following members of the committee were present: Representative Tuck.)

Mr. TUCK (presiding). The committee will be in order.

Proceed, Mr. Arens.

Mr. ARENS. Mr. Murdock, I do not believe, either in your prepared statement or in this colloquy which we have been having, there ap-

pears a description of the various organizations which are represented here today.

Would you give us, gentlemen, a word about your organizations, the membership and jurisdiction, please?

Mr. MURDOCK. Yes. You asked for it, Mr. Arens. I will give it to you.

Mr. ARENS. Briefly.

Mr. MURDOCK. First, on the West Coast there are three separate unions which represent unlicensed personnel. The unlicensed personnel are all personnel on a ship except those that are licensed. These organizations on the West Coast are the Sailors Union of the Pacific, the Marine Firemen, and the Marine Cooks and Stewards.

(At this point Representative Johansen entered the hearing room.)

Mr. MURDOCK. On the East Coast there is now one union which is called the Seafarers' International Union of North America, Atlantic, Gulf and Great Lakes District.

These unions, with other unions representing fishermen and cannery workers, are affiliated in what is called the Seafarers' International Union of North America. This is a confederation of autonomous unions. I am their Washington counsel.

Mr. Haddock and Mr. Ostrin also speak for the National Maritime Union. That is a union of unlicensed personnel. These are all sea-going unions, deep-seagoing unions. All of these unions I have enumerated and all other maritime unions which are affiliated with the AFL-CIO, such as the Masters, Mates and Pilots, Marine Engineers' Beneficial Association, and so forth, all are united in what is called the Seafarers' Section.

Of the Seafarers' Section, Mr. Haddock is the director. There are two co-chairmen of that section, and their names are Paul Hall, who is the president of the Seafarers' International Union of North America, and Mr. Joseph Curran, who is the president of the National Maritime Union.

The Seafarers' Section represents all deep-seagoing unions affiliated in the confederation.

Mr. ARENS. How many seamen are represented in the organizations which you gentlemen represent?

Mr. MURDOCK. Mr. Ostrin reminds me that I omitted the Radio Officers Association.

Mr. ARENS. In the aggregate, how many men are represented by you three men today?

Mr. MURDOCK. The membership affiliated in the Seafarers' Section totals a little over 100,000. I think about 108,000.

Mr. ARENS. Do you have any other comments to make, gentlemen, before you conclude?

Mr. HADDOCK. I have one further thing that I want to re-emphasize.

Mr. Murdock, in his original statement, and Mr. Ostrin in his emphasis, brought out the importance of covering the American-owned-and-controlled foreign-flag ships. I would like to re-emphasize this, if I may, by pointing out to you that only one-tenth of our export-import trade is carried in American-flag ships; that all of the rest of it is carried in foreign-flag ships.

So if this program is going to be effective, it certainly has to reach more than one-tenth.

Mr. OSTRIN. In that further connection, and I do not think this has been raised, if this program of transferring vessels from the American flag to the so-called flags-of-convenience or flags-of-necessity continues at its present rate, not only will our American merchant fleet diminish in its size, but it will necessarily discourage American merchant seamen, men who have followed the sea as their trade, from continuing in their trade, and it will remove them from the trade.

So in the event of a national emergency or a war, while the Government might recall or requisition these vessels that have gone foreign, to foreign flags, they will not have the merchant seamen, the good, American, loyal, merchant seamen to man these vessels. I think that is something for this committee to consider.

Mr. ARENS. I should like, at the expense of violating my observation of a moment ago that we were about finished, to ask you gentlemen how do you conceive the security program would work in regard to the non-American vessels or vessels chartered under foreign flags? Mechanically, how would it work?

Mr. MURDOCK. You are referring to foreign-flag ships owned and operated by American citizens?

Mr. ARENS. Yes, sir.

Mr. MURDOCK. I think, in the first place, we have to face up to this fact: We have already allowed a specious legal fiction to destroy nine-tenths of our merchant fleet. We must not allow the same specious legal fiction to destroy our security, and that is what is happening at present.

We have to assert the authority of the Government of the United States to check ships owned and operated by American citizens in the American trade. This could be vested in the Coast Guard. It could be vested in the employer himself. It could be made a criminal offense for him to employ a subversive in the American trade.

Mr. ARENS. May I inquire there?

How would it work mechanically? You say it could be made a criminal offense for an employer to employ a subversive, but it is obvious that he, the employer, would not have the facilities to make a determination as to who among several applicants for a seaman's job might be a Communist.

Could you tell us how you conceive, sir, that the program would work with reference to Seaman X who is applying for a job on Vessel Y, owned by Mr. Z, who is an American citizen, but chartered under a foreign flag?

Mr. MURDOCK. I think the seaman should be required to get clearance from the Coast Guard and get a certificate that he is not a subversive.

Mr. OSTRIN. May I add this further observation and suggestion, and that is that whereas under the present arrangement the Government has effective control over these vessels in times of emergency, since we are living in a period of potential danger, then the Government of the United States should exercise effective control over these vessels now, at all times, so that the Coast Guard would have jurisdiction over the security program involving the seamen who are employed aboard these foreign-flag vessels owned by American interests.

We believe it is not enough for this Government to exercise effective control over these vessels in time of war. We feel very strongly that the Government of the United States should exercise effective control over them now.

(At this point Representative Walter entered the hearing room.)

Mr. OSTRIN. If the Government were to do that, and if the Coast Guard were to be allowed and were to be given jurisdiction in the screening of seamen employed aboard these vessels now, then we could have an effective security program.

But so long as you have a diminishing number of vessels flying the American flag and a progressively increasing number of vessels being transferred to foreign registry—paper transfers as Mr. Murdock referred to them—then we do not have an effective security program.

These vessels, by Act of Congress, are ours in time of war. As I pointed out, unless we have effective control over these vessels at all times, then we are not going to have the merchant seamen to man these vessels in time of war, and we have no control, no effective security control, over these vessels at the present time.

(At this point Representative Scherer entered the hearing room.)

Mr. ARENS. Do you have any other comments or observations to make, gentlemen?

If not, the staff has no further questions to ask you.

The CHAIRMAN. May I direct your attention to the legislation? Do you think it is adequate to do what you know we are attempting to do?

Mr. MURDOCK. Mr. Chairman, we have proposed amendments to the legislation. We believe that with those amendments and with the amendments which you yourself have proposed, it would be effective legislation.

Mr. ARENS. May I, for the purpose of clarifying the record in the presence of the members who have just arrived, ask a question, and will you kindly respond?

The amendments which you propose would extend the screening program which is contemplated in the chairman's bill not only to the American-flag vessels, but, likewise, to American-owned vessels which are flying under foreign flags. Is that correct?

Mr. MURDOCK. And are operating in the United States.

Mr. ARENS. I might make it clear, for the purpose of enlightenment of the members who have just arrived, that your various seamen groups, including the Seafarers' International Union of North America, the Seafarers' Section of the Maritime Trades Department of the AFL-CIO, and the National Maritime Union, do advocate the legislation which the chairman has introduced.

Mr. MURDOCK. Yes, sir.

Mr. ARENS. You feel it would be salutary legislation.

The CHAIRMAN. Are there any questions, Governor?

Mr. TUCK. I have no questions.

The CHAIRMAN. Are there any other questions?

Mr. JOHANSEN. One question so that the record is clear: This recommendation that you made with respect to American-owned ships under foreign flags and the type of security check you advocate for that category would be additional to what existed in the law prior to the court decisions?

Mr. MURDOCK. Yes, sir.

Mr. JOHANSEN. Thank you.

The CHAIRMAN. I want to take this opportunity to thank you gentlemen. It is refreshing to find that there are some people aware of the fact that this cold war is more than a mere catch phrase.

The fact that you are so closely associated with the situation that is potentially explosive, I think you have made a very fine contribution toward what we are trying to do in protecting the best interests of this Republic.

Mr. HADDOCK. Mr. Chairman, I am sure you know it, but I am not sure that other members of the committee know about the fact that we were the ones who sponsored the original act that Senator Magnuson introduced which led up to the security program.

Had the Coast Guard followed our suggestions, your hearings and your bill would not have been necessary, because we would not be here today.

The CHAIRMAN. Yes, sir. And it is because of your presence, Mr. Haddock, that I was compelled to make the statement that I did, because I know of your interest in this field.

Thank you very much.

Mr. JOHANSEN. Mr. Chairman, may I make just one observation in line with what the chairman has said?

That is that I have had occasion many times to recall not only to myself but publicly the fact that the original, if not the only, but certainly the strongest, documentation that was made to the Government of the United States against the recognition of Soviet Russia and warning of Communist activities within the United States was made over the signature of the late Mr. William Green of the then AFL.

You, I think, are following in that tradition in the kind of testimony you have given here today.

Mr. MURDOCK. Thank you, sir.

The CHAIRMAN. Thank you, gentlemen.

Mr. ARENS. The next witness, if you please, will be Mr. Ralph E. Casey, President of the American Merchant Marine Institute.

Please come forward.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CASEY. I do.

TESTIMONY OF RALPH E. CASEY, PRESIDENT, AMERICAN MERCHANT MARINE INSTITUTE, INC.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CASEY. My name is Ralph E. Casey, president of the American Merchant Marine Institute. I live in Summit, New Jersey. We have offices in Washington and New York City.

I have a brief statement. Mr. Chairman, with your permission, I would like to read it.

The CHAIRMAN. Mr. Casey, will you enumerate the names of the companies in this Marine Institute?

Mr. CASEY. Mr. Chairman, we have 45 companies. We represent, as I have indicated in the statement, the vast majority of American-flag shipping companies. We have passenger liners, cargo ships, colliers, and tankers—ships of all types.

The companies themselves are principally located on the Atlantic and Gulf Coasts. But we represent approximately 70 percent of the

entire American-flag merchant marine. We are a trade association basically, but one of the principal functions is to represent these companies, the dry cargo companies, in labor relations, including the negotiation of collective-bargaining agreements. Hence, our intense interest in this bill.

Mr. ARENS. I suggest, Mr. Chairman, if it is agreeable to you, that Mr. Casey then proceed to read his statement. It is not very long. We may have questions as we proceed.

Mr. CASEY. Thank you.

On behalf of the Institute and its member companies, I wish to support H.R. 11580.

This bill, H.R. 11580, is intended to preclude from employment aboard American-flag vessels those merchant seamen who are considered security risks. It would do so by providing that no individual who wilfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities may be employed on a merchant vessel of the United States. The bill would make similar provision with regard to employment within certain waterfront facilities in the United States.

The American Merchant Marine Institute commends the efforts of your chairman and the members of your committee to provide an effective security-screening program for the maritime industry. Certainly it would be difficult to find any area more sensitive in this respect.

American merchant vessels are engaged in trade with all parts of the world. These vessels supply a perfect vehicle and place of operation for those individuals who subordinate the best interests of this Nation to those of our potential enemies. For several reasons, it is highly appropriate that this industry be singled out for special attention by Congress in regard to security legislation.

Our American merchant marine has long been recognized as an essential element in our national defense. In 1944, in the midst of hostilities, then General Dwight D. Eisenhower stated:

When final victory is ours, there is no organization that will share its credit more deservedly than the American merchant marine.

More recently, in October 1952, he stated:

I consider the merchant marine to be our fourth arm of defense and vital to the stability and expansion of our foreign trade.

In September 1959, Admiral Arleigh A. Burke, Chief of Naval Operations, stated:

Seapower is not just men-of-war. It includes cargo ships, passenger liners, tankers, and the many other craft and auxiliaries that make up the merchant marine. Our experiences in World War I and II demonstrated beyond question our dependence upon our merchant arm, our "Fourth Arm of Defense," and we must strive always to keep our merchant fleet virile and strong.

Many additional authorities could be quoted to establish that in any future war, as in past wars, our military leaders will place great reliance on our merchant fleet. It is, therefore, of the utmost importance that machinery be provided to make certain that this "fourth arm of defense" be freed of the danger inherent in employing seamen who are security risks.

This is obviously a job for the governmental agencies, for despite their great concern, private employers do not have the means of im-

plementing any program which will provide effective protection against such risks.

(At this point Representative Johansen left the hearing room.)

Mr. CASEY. In addition to its intimate relationship with the military in time of emergency, the maritime industry's susceptibility to sabotage gives added cause for special legislative attention.

Members of your committee must be personally familiar with many areas where sabotage of a vessel could effectively prevent navigation for an indefinite period of time. I have in mind, particularly, the Panama Canal, of inestimable value to our naval vessels, and the St. Lawrence Seaway, one of the major gateways to our Middle West.

The deliberate sinking of a merchant vessel in either of these waterways would be a most serious blow to our military operations. When one thinks back to the long delays encountered in clearing the Suez Canal, it will be appreciated that any similar blockage of our major waterways would have tragic consequences.

Furthermore, the Panama Canal and the St. Lawrence Seaway are not by any means the only areas susceptible to such activity. Many of our ports and many of our essential inland waterways are equally vulnerable.

While we are in thorough accord with the objectives of H.R. 11580, we have serious reservations as to the mechanics by which it would be implemented. The bill provides that no individual who fails to appear or answer certain questions "shall be employed" in any capacity aboard a merchant vessel. This would appear to place on the steamship company, the employer, a burden which the company is not equipped to meet. In other words, the bill would appear to make it improper for a company to employ any such individual even though there is no provision to assure that the company will be in possession of information that the seaman falls in this category.

Mr. ARENS. Would it be proper to ask a question at this point, Mr. Casey?

Mr. CASEY. Certainly.

Mr. ARENS. Mr. Casey, if there were a slight change in the language which would preclude the employment on these vessels of seamen who are not documented or do not have proper credentials issued by the Coast Guard, would that solve your problem?

Mr. CASEY. As a matter of fact, Mr. Arens, that is, in essence, the suggestion I make as the statement proceeds. That is the suggestion we make, to impose the obligation upon the Government agency and then, with the Coast Guard to undertake to decide whether these people are security risks, to either grant or withhold seamen certificates or licenses, as the case may be.

I do not think it is necessary to read the remainder of the statement for that matter. But then the company would be in a position where they could rely upon the issuance of a certificate or a license.

Mr. ARENS. That is what was contemplated in the chairman's bill; that the Coast Guard would do the screening and would issue or withhold the certification and that the steamship company would have the obligation not to employ a seaman who did not have the credentials from the Coast Guard.

(At this point Representative Johansen entered the hearing room.)

Mr. CASEY. As we construed the bill as it would be amended by the amendment that the chairman introduced on the opening day of hearings, it left the import somewhat vague. It looked to us as if a person shall not be employed, or no document shall be granted to such a person.

In other words, we do not think that that alternative should be left in the bill. The "employed" part of it should be taken out, and certainly the employer will not employ anyone who does not have seaman's papers. In fact, it is illegal under the present law.

The CHAIRMAN. Yes; I think that is surplusage. This language that you propose on the last page of your statement I would think is about what we have said in the bill, with the amendment. I do not think it adds anything. But it makes it abundantly clear as to what you have in mind.

Mr. CASEY. Thank you.

Mr. ARENS. Are we clear and is the record clear, Mr. Casey, that the American Merchant Marine Institute, which represents the 40-odd steamship companies, is endorsing the chairman's bill?

Mr. CASEY. Without doubt; unquestionably. I might add, Mr. Chairman and Mr. Arens, if I might, during the recess I discussed our proposed amendment with Mr. Ostrin, representing the National Maritime Union, and he has authorized me to say that they are in full accord with the proposal we have made.

Mr. ARENS. I have no further questions, Mr. Chairman.

The CHAIRMAN. Governor Tuck?

Mr. TUCK. I have no questions.

Mr. ARENS. Excuse me a moment, Mr. Chairman.

May I suggest that the record reflect the completion of the statement of the witness?

Mr. CASEY. Yes. I would like to have the remainder of the statement appear in the record.

(The remainder of Mr. Casey's statement is as follows:)

The Congress has long recognized the quasi-governmental nature of the employment of seamen aboard American-flag vessels. Under existing law, the Coast Guard is charged with the duty and responsibility for certifying that an individual is qualified and competent to serve in a particular rating aboard our vessels.

The shipping companies rely on certificates or licenses thus issued by the Coast Guard, and there is no reason why in dealing with the present problem the companies should not be able to continue to look to such documents.

I note that on the opening day of these hearings your chairman submitted an amendment which would add a provision that a seaman who fails or refuses to appear or answer certain questions shall not be entitled to hold a document identifying him as an individual eligible for employment aboard a vessel or within a waterfront facility.

We feel that this is the proper approach; but, unfortunately, the amendment still leaves in the bill an implied obligation on the companies to decide security-risk issues. In fairness, we think it would be improper to ask the employer to look beyond a certification issued by a Government agency.

Accordingly, we suggest that there be stricken from H.R. 11580 that provision of the bill prohibiting employment—lines 18–20 on p. 2—and that there be substituted therefor the substance of the proposed amendment.

Commencing at line 18 at p. 2, the bill would then read:

shall be entitled to hold, or to be issued, any certificate, license, or other document (including any endorsement thereon) identifying him as an individual eligible to be employed in any capacity aboard any merchant vessel of the United States or within any waterfront facility in the United States. The prohibition against the possession and issuance of any certificate, license, or other document (including any endorsement thereon) contained in the first sentence of this subsection shall also apply with respect to any individual who commits perjury in answering any question referred to in such first sentence.

With this amendment we feel that H.R. 11580 presents a workable and effective tool against the security problems facing the American maritime industry. Again, may I commend you for your efforts to cope with this problem and urge that you take early action to move this bill toward final enactment.

The CHAIRMAN. Thank you very much, Mr. Casey.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Admiral Shepheard.

Kindly come forward, sir.

The CHAIRMAN. Admiral, will you raise your right hand, please?

Do you swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Admiral SHEPHEARD. I do.

TESTIMONY OF HALERT C. SHEPHEARD, REAR ADMIRAL, UNITED STATES COAST GUARD (RETIRED), MARITIME CONSULTANT

Mr. ARENS. Kindly identify yourself, sir, by name, residence, and occupation.

Admiral SHEPHEARD. Halert C. Shepheard, Rear Admiral, United States Coast Guard, Retired.

Mr. ARENS. What is your present occupation, Admiral?

Admiral SHEPHEARD. Since my retirement 4½ years ago, I have served as a consultant, a maritime safety consultant, and represent a number of organizations, including shipowner associations, as well as underwriters and salvage associations.

Mr. ARENS. Would you kindly give us a brief sketch of your personal background, with particular reference to your service in the Government dealing with steamships?

Admiral SHEPHEARD. For over 30 years I served in the former Bureau of Marine Inspection and Navigation and the United States Coast Guard. For about 10 years prior to my retirement, I was the chief of the Office of Merchant Marine Safety.

Mr. ARENS. Admiral, are you conversant with the facts with reference to the breakdown in the screening, the present screening, of merchant seamen? Namely, that because of a number of court deci-

sions our screening program for merchant seamen is virtually destroyed and that literally hundreds of Communists and other subversives have, in the recent past, acquired seamen's papers and that upwards of some 2,000 have applications pending?

Admiral SHEPHEARD. Yes; I am familiar with that.

Mr. ARENS. Now, sir, based upon your background and experience of some 30 years in the Government dealing with problems of seamen on ships, can you express to this committee the threat, if any, which that situation poses now to the national security?

Admiral SHEPHEARD. Well, I am of the opinion that authority should be vested in the Coast Guard. I believe it is just as necessary today as it was when it was first enacted some 10 years ago.

I might say I am highly pleased at the determination of your committee, Mr. Chairman, and your efforts to see to it that legislation, effective legislation, is enacted to keep the Communists from our ships and our waterfront facilities.

The CHAIRMAN. I am glad to hear somebody say that. I am quite sure that the vast majority of the American people feel that way about this committee. But the very vocal handful who do not, seem to have their voice heard.

Mr. ARENS. Admiral, based upon your background and experience, how can Communists on our merchant vessels cause a serious situation to exist with reference to the national security?

Admiral SHEPHEARD. Well, serving on our merchant ships and also on our waterfront facilities is a very sensitive and vital area for them to perform all sorts of acts.

The CHAIRMAN. Let us look at this concrete situation. Some time ago, Harry Bridges, appearing before this committee, testified that, in the event of trouble in the Far East and war between the United States and China, he would see to it—and he went even further than that—he said in that particular instance, he would see to it that help did not come from the United States.

Could he carry out the kind of a threat that he made when he testified before this committee?

Admiral SHEPHEARD. Well, I could not answer that very categorically. I have heard Harry Bridges make similar statements when the Coast Guard held a public hearing and they first put in their regulations.

Mr. SCHERER. If he had enough Communists working for his organization, he could certainly carry out the threat, could he not, Admiral?

The CHAIRMAN. He would not need any Communists at all. All he would have to do would be to call a work stoppage or a slowdown and that would be it, would it not?

Admiral SHEPHEARD. That would be one activity that he could engage in, and I think very successfully.

Mr. ARENS. Is there any way, based upon your background and experience, that a few Communists could split our fleet, as between the Atlantic and Pacific Fleets?

Admiral SHEPHEARD. Very definitely.

Mr. ARENS. How could they do that?

Admiral SHEPHEARD. We have removed some of these men that are among the number that are security risks from ships in southern California when the ship was headed for an East Coast port. They

were taken off of the ship because of the threat they posed to the Panama Canal.

Mr. ARENS. That was at a time prior to the destruction of our screening program?

Admiral SHEPHEARD. That is correct, sir.

Mr. ARENS. That is when you were in charge of the screening work; is that correct?

Admiral SHEPHEARD. That is correct, sir.

The CHAIRMAN. Do I understand you to say that seamen were actually taken off vessels because of the fear that, being the kind of people they were, they might do something to damage the Panama Canal?

Admiral SHEPHEARD. The record showed them to be Communists, the information that we did have.

The CHAIRMAN. And as a result of the Supreme Court decision, these Communists are now back on the ships?

Admiral SHEPHEARD. They are entitled to employment.

Mr. ARENS. How would the Communist on the ship, if he had not been taken off, have wreaked havoc at the Panama Canal? Upon what basis did you apprehend he would do so?

Admiral SHEPHEARD. I do not think I get the question.

Mr. ARENS. How can a Communist wreak havoc at the Panama Canal if he is on a ship?

Admiral SHEPHEARD. Through sabotage.

Mr. SCHERER. He can sink a ship.

Admiral SHEPHEARD. Yes. He can block the canal, which is the equivalent of cutting our Pacific Fleet in half. We have all sorts of ships going through the canal, some of them carrying JP-4 fuels, aviation gasoline, up to 200,000 and 300,000 barrels.

Mr. SCHERER. Approximately how long would it take to clear the canal if a ship were sunk in one of the locks?

Admiral SHEPHEARD. That would depend, of course, upon the amount of damage that was done.

Mr. ARENS. To what extent is the survival of this Nation dependent upon its merchant fleet or upon merchant vessels?

Admiral SHEPHEARD. I think this country has recognized our merchant fleet as the fourth arm of our defense. It is quite vital. With all of the fighting ships and with all the men at the battlefront, without getting them supplies they are not going to get very far in activity.

Mr. ARENS. Do you have any other comments to make, Admiral?

Admiral SHEPHEARD. No.

Mr. ARENS. We thank you very much for your testimony.

The next witness, if you please, will be Marion Chrusniak.

Kindly come forward.

(At this point Representative Walter left the hearing room.)

Mr. TUCK (presiding). Will you be sworn?

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHRUSNIAK. I do.

**TESTIMONY OF MARION CHRUSNIAK, PRESIDENT, LOCAL 829,
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, BALTIMORE,
MD.**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CHRUSNIAK. My name is Marion Chrusniak, president of the International Longshoremen's Association, Local 829. Today I am here in behalf of 5,000 longshoremen from the port of Baltimore.

We had a meeting June 21, 1960, and it was resolved by the District Council in Baltimore City of the International Longshoremen's Association that the House Committee on Un-American Activities be commended for its investigation of Communist activities among seamen and longshoremen on the waterfront facilities and be supported in its efforts to enact legislation in precluding port security clearance to anyone who is a member of the Communist Party or who fails or refuses to reveal to the Government information regarding Communist activities known by him.

Mr. ARENS. How many longshoremen are represented by yourself today in the Baltimore area?

Mr. CHRUSNIAK. By myself today I represent 5,000 men. In my job as president of 829 I represent 1,600 longshoremen.

Mr. ARENS. Based upon your background and experience, can you tell us what threat is posed to the security of this country in the situation in which we presently find ourselves, where a longshoreman can be employed on vital port facilities who is a Communist?

In other words, what can a Communist do on vital port facilities to serve the interest of the international Communist conspiracy?

Mr. CHRUSNIAK. Well, in the time of an emergency, he can start what we call wildcat strikes, slowdowns, and that would be about it—where he could start. Other than that, I do not know.

Mr. ARENS. Could he commit acts of sabotage?

Mr. CHRUSNIAK. He probably could.

Mr. ARENS. We have no further questions, except to thank you for your testimony. Perhaps the committee members have some questions.

Mr. TUCK. Do you have a question, Mr. Scherer?

Mr. SCHERER. No. I would like to say, however, that you are to be congratulated in the help you have given our committee and the Congress in supporting this legislation.

Mr. TUCK. The witness may be excused.

Call the next witness.

Mr. ARENS. Mr. Chairman, we have no further witnesses today. I respectfully suggest that the chairman order that the record be closed for today and that the committee recess subject to the call of the chairman.

Mr. TUCK. Unless there is objection, it is so ordered.

(Members of the committee present at time of recess: Representatives Tuck, Scherer, and Johansen.)

(Whereupon, at 11:35 a.m. Thursday, June 23, 1960, the committee recessed, to reconvene at the call of the Chair.)

INDEX

INDIVIDUALS

	Page
Becker, Louis	1750, 1765, 1791-1796 (testimony)
Berman	1763
Boudin, Leonard B.	1827, 1831
Bridges, Harry	1756, 1776, 1801, 1852
Burke, Arleigh A.	1848
Casey, Ralph E.	1754, 1847-1851 (testimony)
Castro (Fidel)	1842
Chrusniak, Marion	1754, 1854 (testimony)
Colcord, Charles Everett	1752, 1765, 1831-1833 (testimony)
Connor, Lawrence D.	1758 (testimony), 1766-1767 (testimony)
Crawford, Ray	1803
Curran, Joseph	1844
Dardis, Gerald	1770
Davis, Benjamin	1801
Deauchare, Bob	1773
Edwards, R.Y.	1779
Eisenhower, Dwight D.	1848
Flues, A. Gilmore	1759
Globe (Arthur)	1747, 1755, 1840
Goodman, Peter	1751, 1765, 1785, 1788-1791, 1804, 1805-1815 (testimony)
Graham (Edgar W.)	1747, 1755, 1759, 1763, 1764, 1768
Grant, Joanne	1788
Green, Albert E.	1758 (testimony)
Green, William	1847
Haddock, Hoyt S.	1752, 1835 (testimony), 1842-1844 (testimony), 1847 (testimony)
Hall, Paul	1844
Harrison, Kenneth S.	1758 (testimony)
Hauser, Stanley Milton	1751, 1765, 1815-1822 (testimony)
Hirschfield, James A.	1748, 1758-1769 (testimony), 1775, 1792, 1793
Jackson, Donald William	1750, 1765, 1778-1780 (testimony)
Jackson, Morton	1771
Jacobson, Nathan	1803
Johnson, Clarence E.	1803
Kasbohm, Henry Bernard	1751, 1765, 1822-1823 (testimony)
Kaunitz, Rudolf	1750, 1765, 1780-1791 (testimony)
Lamb, Leonard	1772
Lawrence, Harry	1801
Lester (J. A.)	1747, 1748, 1755, 1759, 1761-1764, 1843
Magnuson (Warren G.)	1810, 1847
Martin, Bob	1801, 1802
May, Roland	1782
Mendelsohn, Peter	1803
Milhouse, William Shilling	1772
Miller (Miss)	1785, 1786, 1814
Monteverde, Hector Manuel	1771
Mulzac, Hugh	1752, 1765, 1827-1830 (testimony)
Murdock, Ray R.	1752, 1753, 1835-1847 (testimony)
Nelson (Thomas W.)	1747, 1755, 1840

INDIVIDUALS—continued

	Page
Ostrin, H. Howard	1752,
1835 (testimony), 1836, 1839-1841 (testimony), 1843 (testimony),	
1844, 1845-1846 (testimony), 1850.	
O'Toole, Lawrence John	1771
Palazzi, Paul	1772
Parker (Lawrence)	1747, 1748, 1755, 1759, 1761-1764, 1843
Pinsky, Morris	1772
Rabinowitz, Victor	1778, 1780, 1791, 1797, 1805, 1815, 1822, 1830
Rein, David	1823, 1825
Richmond (Alfred C.)	1747, 1755, 1758, 1759, 1763, 1768
Rivera, Martin	1802
Robeson, Paul, Jr.	1783, 1784
Roosevelt (James)	1783, 1786, 1810
Rosen, Charles	1788
Rosen, Jacob	1788
Rosenkrantz, Lawrence	1772
Rubinstein, Annette	1830
Rydell, Roy	1771
Salo, Ted	1772
Shepherd, Halert C.	1754, 1851-1853 (testimony)
Southwick, John	1771
Spira, Henry	1765
Swan, Charles Malvern	1752, 1765, 1771, 1823-1824 (testimony)
Thibodeaux, Al	1803
Thompson, William Henry	1752, 1765, 1791, 1796-1797 (testimony),
1825-1826 (testimony)	
Tobin, Pat F.	1803
Torres, Angel (Rene)	1772
Trosten, Shea Gordon	1748, 1749, 1769-1777 (testimony)
Truman (Harry S.)	1792
Walsh, J. Raymond	1830
Wardwell, Loron Whitney	1749-1751, 1799-1805 (testimony),
1807, 1819, 1820	
Watson, Don	1803
Wilkinson, Frank	1750, 1784, 1785, 1787, 1788, 1790, 1791, 1813

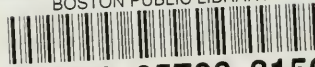
ORGANIZATIONS

AFL-CIO, Seafarers' Section, Maritime Trade Department	1752,
1835, 1836, 1844	
Adelphi Hall	1830
American Merchant Marine Institute, Inc.	1754, 1847, 1848
<i>Booker T. Washington</i> (Liberty ship)	1830
Citizens Committee To Preserve American Freedoms	1784, 1785
City College of the City of New York	1751, 1815
Civil Rights Congress	1803
Communist Party, USA:	
Waterfront Section	1748, 1749, 1800
New Orleans, La.	1802
New York City	1748, 1751, 1770, 1772, 1775, 1803, 1804, 1820
Port Arthur, Tex.	1748, 1770
Emergency Civil Liberties Committee	1783-1786, 1790, 1829, 1830
Harlem Trade Union Council	1801
<i>James G. Swisshelm</i> (steamship)	1770
Jefferson School of Social Science	1748, 1770
Longshoremen's and Warehousemen's Union, International	1756, 1801
Longshoremen's Association, International—Local S29	1754, 1854
Marine Cooks and Stewards, National Union of	1801, 1802, 1844, 1850
Marine Firemen, Oilers, Watertenders & Wipers Association, Pacific	
Coast, Independent	1844
Maritime Labor Committee To Defend Al Lannon	1814
Maritime Union, National	1748, 1752, 1770, 1772, 1775, 1801, 1802, 1835, 1840, 1844
Galveston, Tex.	1773
Masters, Mates and Pilots of America, International Organization	1844
Nation, The (magazine)	1782

ORGANIZATIONS—continued

	Page
National Academy of Sciences, National Research Council-----	1753, 1837
National Negro Labor Council-----	1803
Pacific-Asia Dock Conference, May 11-13, 1959, Tokyo, Japan-----	1756
Radio Officers Association-----	1844
Sailors Union of the Pacific-----	1844
Seafarers' International Union of North America-----	1752, 1835, 1844
Seafarers' International Union of North America, Atlantic, Gulf and Great Lakes District-----	1844
Seamen's Defense Committee Against Coast Guard Screening (also known as Seamen's Defense Committee)-----	1750, 1752, 1788, 1789, 1814, 1815, 1828-1830
Trade Union Committee To Repeal the Smith Act-----	1814
U.S. Government:	
Supreme Court-----	1747, 1755, 1805, 1813
Treasury Department-----	1759
Coast Guard-----	1747, 1748, 1755, 1758, 1759, 1761-1767, 1804, 1811, 1813, 1845, 1847, 1849, 1850
Office of Merchant Marine Safety-----	1754, 1851
Yarmouth, S.S.-----	1841
Young Progressives of America-----	1803, 1820
Youth Against the House Un-American Activities Committee. (<i>See</i> Youth To Abolish the House Un-American Activities Committee.)	
Youth To Abolish the House Un-American Activities Committee (formerly known as Youth Against the House Un-American Activities Committee)-----	1750, 1783-1787, 1808-1810, 1829

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